

Regular Meeting of the Middle St. Croix Watershed Management Organization
Bayport Public Library, Bayport, MN
Thursday, August 8, 2019
6:00PM

Present: Brian Zeller, Lakeland Shores; Mike Runk, Oak Park Heights; Tom McCarthy, Lake St. Croix Beach; John Fellego, Baytown Township; Lakeland; Ryan Collins, Stillwater; Beth Olfelt-Nelson, St. Mary's Point; Dan Kylo, West Lakeland Township; John Dahl, Bayport; Cameron Blake, WCD; Matt Downing, Interim Administrator

Call to Order

The meeting was called to order at 6:00PM by Manager Zeller.

Approval of Minutes

A motion to approve the June 13th, 2019 minutes was made by Manager Runk and seconded by Manager Zeller. Motion carried.

Treasurer's Report

The treasurer's report was presented by Manager Kylo. The remaining checking account balance is \$255,277.50. First State Bank CDs are valued at \$38,549.15. The ending balance in the RBC savings account for June 2019 is \$63,381.79 and for July is \$64,277.59.

Bills to be approved this month are: Dragonfly Gardens: \$316.29; Emmons & Oliver: \$1,774.50; Kennedy & Graven: \$54.00; Peterson Companies: \$2,300.00; Washington Conservation District (Water Monitoring- June): \$5,808.23; Washington Conservation District (Administration- June): \$2,131.50; Washington Conservation District (Technical Services- June): \$5,869.68; Washington Conservation District (EMWREP): \$1,575.00; Total: \$19,829.20.

Manager Zeller informed Manager's Kylo and McCarthy that they needed to meet at the bank to remove former Administrator Isensee's name from applicable documents. Administrator Downing noted that many of the communities' 2nd half payments were received, and informed the board that reminder notices were sent out a few weeks prior. The board noted that both Lakeland and St. Mary's Point both had new treasurers. Manager Runk moved to accept the Treasurer's report and bills, Manager McCarthy seconded, and the motion carried.

Introduction of Interim Administrator – Matt Downing

Manager Zeller introduced Interim Administrator Matt Downing to the board. Jay Riggs, the administrator for the Washington Conservation District posted the administrator position internally, and there was an interview process. Manager Zeller believes Matt Downing has the skillset needed to be a successful administrator, although he noted that Downing's field experience outweighed his grant writing experience. Administrator Downing relayed his experience to the board including sitting on the board of the Upper Rum and Sunrise River WMO's. He explained that Bryan Pynn and Rebecca Nestingen at the WCD will have a more involved role in the grant writing and developmental plan review activities the MSCWMO takes part in. Manager Zeller explained that the

One Watershed One Plan process will lead to less grant writing in the future. Manager Fellegy questioned this and asked to update the board on the 1W1P Policy Committee progress. He noted there were still many uncertainties and questions throughout the process. Administrator Downing explained that local government units are waiting on certain BWSR decisions about funding sources which will not occur until the fall. The board added Manager Fellegy's 1W1P update to the end of the agenda before the administrator update. Manager Zeller moved to accept Matt Downing as the Interim Administrator, Manager Kylo seconded this and the motion carried.

3M PFAS Reimbursement Request #2

MSCWMO staff and our consultant EOR have been reviewing documents and providing technical input on the development of the water supply groundwater model as part of the 3M PFAS settlement. Staff is requesting reimbursement from MPCA totaling \$2,165 (\$390.50 MSCWMO June; \$1,774.50 EOR June). Manager Runk motioned to approve submittal of the 3M PFAS Reimbursement Request totaling \$2,165. Manager Fellegy seconded this and the motion carried.

Manager Kylo asked when Stu Grubb would be able to give the board an update on the situation. Administrator Downing explained there was an update in the admin report at the end of the meeting. Manager Zeller said the MPCA would be coming to the communities to update them. Manager Olfelt-Nelson said her council at St. Mary's point has been asking her about this topic. Manager Zeller invited her to come to the Lakeland Shores Meeting on August 15th where the MPCA will be present to ask any questions she has for them. Manager Fellegy said Baytown Township was told the existing well filters were not going to be replaced for free anymore, but this decision was then reversed.

Revised 2019 MSCWMO – WCD Service Agreement

At the direction of former Administrator Isensee, Administrator Downing prepared a new 2019 agreement for services between the Washington Conservation District and the Middle St. Croix WMO for consideration by the managers. A number of corrections and changes are present in this document; a new agreement rather than an amendment is in order. Manager Zeller asked for a brief summary of the changed and confirmed the funding is already covered by the existing 2019 budget. Administrator Downing explained that there were increases to the administration budget to cover minute taking, and increases to the technical assistance budget that were approved previously by the board to account for the installation and maintenance of the 2019 MSCWMO BMPs. The change to the water monitoring services were to account for E. coli testing in Bayport.

Manager McCarthy motioned to approve the new 2019 WCD-MSCWMO Service Agreement with the recommended changes. Manager Dahl seconded this, and the motion carried.

2020 MSCWMO Draft Budget Approval and Notification Request

The Middle St. Croix WMO has not increased its operating budget since 2015. At the March Board meeting, former Administrator Isensee requested that the WMO provide notice to the townships that are within the WMO that a potential of up to a 9% increase could be considered for the 2020 MSCWMO Budget. This increase would be due to the cost increases associated with the services the WMO solicits, not an expansion of the services provided by the WMO.

Administrator Downing prepared a draft budget for the board's review. In preparing the draft, the considerations included accounting for the increase in the WCD fee schedule, a review of expenditures to line items in 2016-2019 and a review of current funds set aside. The overall increase being proposed is 6.97%.

Manager Zeller asked if Administrator Downing's pay scale would be less than the previous administrators, and Administrator Downing said he was not sure but that he believed it would be the same based on the pay scale the WCD uses. Administrator Downing said the biggest adjustment to the budget was the increased project funds for engineering and technical assistance in order to reflect actual costs. This required an increase in the available cost share in order to have this available as match for future projects. Manager Zeller discussed the current reserve fund and budgeting in preparation for the MSCWMO plan update. He asked Administrator Downing to briefly justify the 6.9% increase so the board can explain to their communities. Administrator Downing said the budget increase is to enable implementation activities, and is also reflective of a cost of living adjustment since 2015. Manager Zeller motioned to approve the draft 2020 MSCWMO budget and to approve staff to send notification of the draft budget to the member communities. Manager Olfelt-Nelson seconded this and the motion carried. Manager Zeller asked Administrator Downing to think about any shovel-ready MSCWMO projects and to keep in mind that organizations such as SCRA occasionally have money left over at the end of the year. He said the MSCWMO often uses administration costs as a match for projects rather than cash matches.

Peoples Church Native Prairie Reimbursement Request

On December 13, 2018 the MSCWMO Board of Managers approved cost share reimbursement of \$1,000 for the Peoples Church native prairie restoration project. The Peoples Church of Bayport has completed the restoration of 2 acres of native prairie located at on the South side of 5th Avenue, across from the Bayport Fire Station. The total cost for the installation materials (the majority of the project was installed and maintained with volunteer labor) was \$5,200.00. In January the total receipts for installation were \$4,290.75. The Washington Conservation District reimbursed costs of \$3,900.00 and on January 10, 2019 the MSCWMO reimbursed costs of \$390.75. The landowner has submitted additional receipts for work conducted in the spring of 2019 totaling \$239.74. Technical staff have confirmed the additional work and expenses and recommend reimbursing costs of \$239.74 bringing the total MSCWMO reimbursement to \$630.43 based on total expenditures of \$4,530.79. Manager Zeller motioned to approve reimbursement of \$239.74 for the People's Church native prairie installation, Manager Olfelt-Nelson seconded this, and the motion carried.

Culligan Addition

The Culligan Water facility at 1435 Curve Crest Blvd in Stillwater proposes an addition to the existing building and parking facility. The project, as revised and resubmitted on July 10th, 2019, meets applicable Performance Standards contained within Section 7.0 of the MSCWMO 2015 WMP. Manager Zeller recalled talking about runoff concerns in the last board meeting. Administrator Downing explained that after the plan resubmittal these concerns have been met. Manager Collins moved to recommend approval of the Culligan Addition project. Manager Runk seconded this, and the motion carried.

Dewall Review/St. Croix Woodlands Development

The Dewall's propose to subdivide approximately 42 acres into 5 residential lots. Four 2.5 acre lots are proposed along with a 32 acre lot in the location of the existing home. The initial application for project review was received on May 23rd, 2019. In the initial iteration of the stormwater management design the applicant was citing shallow bedrock to preclude infiltration and full compliance with MIDS standards. On June 17th, 2019 the MSCWMO requested revisions and resubmittal documenting compliance with MIDS flexible treatment options. On June 27th the MSCWMO received a revised resubmittal which utilizes infiltration to fully comply with MIDS standards, however, further documentation demonstrating 3' of vertical separation between the infiltration basin and shallow bedrock have been requested as of July 5th. Additional soil borings demonstrating separation from bedrock and revised plans were received on July 19, 2019. The project, as revised and resubmitted on July 19th, 2019, meets applicable Performance Standards contained within Section 7.0 of the MSCWMO 2015 WMP.

Manager Zeller asked Administrator Downing for a coordinated effort with the city to ensure inspections and field verification of this project occurs based on concerns he has. Manager Kylo motioned to recommend approval of the Dewall/St. Croix Woodlands development. Manager Runk seconded this, and the motion carried.

Stordahl Review

The Stordahl home at 1635 Rivercrest Rd N in Lakeland proposes the demolition of a majority portion of an existing home and detached garage and construction of a new home. The project application for project review as submitted on July 3rd, 2019 contained insufficient information to complete the review and additional information from the applicant was requested. The additional information requested was submitted July 10th, 2019. The project is recommended for approval with twelve conditions.

The board requested the wording be clarified for condition 10 to say "provide proof that minimum setbacks are met" or "meet minimum setbacks" from the property line. The board also requested two additional conditions. The first was "Obtain all required permits from the city". The second was "Comply with Washington County septic system requirements". Manager Fellegly asked if there will be inspections of the active construction. Administrator Downing said the MSCWMO inspection program will be re-started. Manager Zeller made a motion to approve the Stordahl project with the revised and additional conditional approval. Manager Fellegly seconded this, and the motion carried. Manager Zeller asked Administrator Downing to send a revised letter to Lakeland with the updated conditional approval and asked that letters of approval not be sent out prior to board approval. He explained that some administrative activities can be added to a consent agenda when the board and administrator feel comfortable.

Finnegan Home Addition

The Finnegan home at 333 Quixote Ave N in Lakeland Shores proposes a home office and porch addition on the north side of the home as well as a deck. A variance request has been submitted to the City of Lakeland Shores and the City advised the applicant on July 8th that the project requires MSCWMO plan review. A plan review application and review fee have not yet been received. Not board action required.

Zvago, Stillwater

This project was formerly submitted as the Ecumen Stillwater Senior Living Center in 2017 and approved with conditions but never completed. The project has since changed ownership and has resubmitted a new plan review application and updated required submittal items on July 17th, 2019. The plan review has been completed and the recommendation is to amend the plans to correct seven items and resubmit the plans for further review. No board action required.

One Watershed One Plan Update

Manager Fellegly updated the board on the 1W1P Policy Committee progress. He explained that the the committee is currently discussing how the plan will actually function, and what the structure could look like. The board expressed concern that the plan will be setting up a new level of government and asked Manager Fellegly to do what he can as the MSCWMO representative to promote a different alternative. Manager Olfelt-Nelson asked what system existed before the 1W1P and why Mike Isensee was in favor of the 1W1P. Manager Zeller explained that the intention of the 1W1P was to streamline funding distribution and to be more equitable for the northern part of the basin. The existing funding system favors organizations who have greater staff capacity to attain competitive grants. Manager Fellegly said most of the Policy Committee was not in favor of a new level of government.

Staff Report

Manager Zeller requested that the MSCWMO Board see the Stillwater Country Club project. The project is funded in part from the cash-in-lieu of treatment payment from Washington County, which has not yet been received. Manager Runk shared his insight into the delayed cash-in-lieu of treatment payment and recommended the MSCWMO take an active role to ensure payment in time to prevent any cash flow issues. Brian Zeller asked Administrator Downing to continue to communicate with, and put pressure on, Washington County about the cash-in-lieu of treatment that the MSCWMO needs by January 1st 2020. He recommended Matt tell the county that the MSCWMO board is concerned and ask if there is a need for them to meet with the County board. This issue needs to be resolved before the county's budgeting process is over at the end of September 2019 in order to get this into the county's 2020 budget.

Administrator Downing updated the board on the Bayport E. coli source testing. There was an issue with the first sampling event but he decided to have the sample tested anyway. There are two more sampling events to occur, and he should have results in time for the October board meeting. The Met council can retain the samples to use for additional testing after confirming if the E. coli is from a human source. If the E. coli is from birds there is not a human health risk. Manager Zeller motioned to move forward as presented with the E. coli testing. Manager Fellegly seconded this, and the motion carried.

Manager Olfelt-Nelson expressed concern about developmental pressures in the MSCWMO and asked about the basis for the current stormwater standards. Administrator Downing explained that the MSCWMO relies on its' communities to be the permitting authority, and that they follow the Minimal Impact Design Standards (MIDS). The board requested Administrator Downing to send them information on MIDS. Manager Olfelt-Nelson expressed concern about increasing precipitation events and wondered if current BMP designs are enough to accommodate those changes. The board discussed how some communities use more restrictive standards for development. Manager Fellegly requested the MSCWMO board to get together sometime in October

to see the completed Stillwater Country Club project, and to say goodbye to Mike Isensee. Manager Olfelt-Nelson asked for BMP inspection information for St. Mary's point, which is something the MSCWMO provides.

Manager Zeller motioned to adjourn the meeting, it was seconded, and the motion carried. Meeting adjourned at 7:06pm.