

Regular Meeting of the Middle St. Croix Watershed Management Organization  
HELD REMOTELY DUE TO COVID -19 PANDEMIC

Thursday, November 12th, 2020

6:00PM

Present: Joe Paiement, City of Lakeland; John Fellegly, Baytown Township; Mike Runk, Oak Park Heights; Tom McCarthy, Lake St. Croix Beach; Beth Olfelt-Nelson, St. Mary's Point; Annie Perkins, Afton; Administrator Matt Downing; Cameron Blake, WCD; Dawn Bulera, Lake St. Croix Beach alt., Christopher Smith, Public.

### **Call to Order**

Manager McCarthy called the meeting to order at 6:00 PM.

### **Approval of Agenda**

Manager Runk motioned to approve the agenda and Manager McCarthy seconded the motion. The motion passed on a roll call vote with all in favor.

### **Approval of Minutes**

Manager Fellegly motioned to approve the October 8th minutes and Manager McCarthy seconded the motion. The motion passed on a roll call vote.

### **Treasurer's Report**

The treasurer's report was presented by Administrator Downing. The remaining checking account balance on November 12<sup>th</sup> 2020 for the month of October was \$570,698.53. First State Bank CDs were valued at \$38,549.15. The ending balance in the RBC savings account for October 2020 was \$71,107.08.

Bills to be approved this month are: Emmons & Oliver: \$591.50; Emmons & Oliver \$760.50; Emmons & Oliver \$1,225.80; Washington Conservation District (Administration): \$3,950.00; Washington Conservation District (Technical Services): \$2,154.00; Washington Conservation District (Grant Hours): \$18,232.23; Total: \$27,414.03. One invoice was removed from the treasurer's report as it was on their mistakenly (Metro Watershed Partners, \$500.00).

Administrator Downing explained that this included community contributions and the Manager Fellegly asked Administrator Downing about the \$18,000 invoice for grant hours. Administrator Downing explained there was work being done on three WBF grants: Perro Creek, Lily Lake infiltration basin, and the Lake St. Croix bluff. The group noted that all community contributions had been received.

Manager Fellegly motioned to approve the November treasurer's report and pay the bills. Manager Olfelt-Nelson asked for the mistaken invoice to be addressed. Manager Fellegly amended his motion to include this and Manager McCarthy seconded the motions. The motion passed on a roll call vote.

### **Public Comment**

Christopher Smith did not have any public comment.

### **3M PFAS Reimbursement Request**

Our consultant at EOR has been reviewing documents and providing technical input on the development of the water supply groundwater model as part of the 3M PFAS settlement.

Manager Runk motioned to approve submittal of 3M PFAS Reimbursement Request totaling \$1,352.00. Manager Fellegy seconded this motion and the motion passed on a roll call vote.

### **2021 MSCWMO-WCD Technical Services Agreement pg. 8-14**

Administrator Downing presented the 2021 MSCWMO-WCD TSA to the board. Manager Fellegy asked if there were any changes such as billing rates. Administrator Downing said no that it's the same as last year, and that the WCD tries to keep the agreement standard.

Administrator Downing previously discussed the water monitoring component with the board. The administrative services component is the same and the technical services component is lower because grant funding is wrapping up so there will be less work in 2021. Manager Fellegy asked if Bryan Pynn, WCD had any comments on any upcoming activities and Administrator Downing said he did not.

Manager Fellegy motioned to approve the 2021 MSCWMO-WCD Technical Services Agreement. Manager Olfelt-Nelson seconded this and the motion passed on a roll call vote with all in favor.

### **2021 Permit Review and Meeting Dates**

The board reviewed the proposed project review timeline and board meeting dates for 2021.

Manager Fellegy thinks it works, and noted that 21 days is standard. Manager Runk asked about the November board meeting set to fall on Veteran's Day. The group decided to move the board meeting to the 10<sup>th</sup> and the other deadlines back a day accordingly.

Manager Fellegy motioned to approve the 2021 Project Review Schedule and Manager Runk seconded this motion. The motion passed on a roll call vote with all in favor.

### **2021 Project Review Fees**

The board discussed the proposed 2021 MSCWMO Review Fees. Manager Fellegy asked if the \$350 single resident review fee was too low. Administrator Downing said this year they asked for more from one project but that most fell between \$350-400 so he thinks it's still realistic. The WMO also has a mechanism in place to recoup losses. The other options are based on the size of the project. Managers Olfelt and Fellegy asked if it could be made more clear on the application form that the single family home fee "starts at \$350" so they know that more money may be needed; such as adding an asterisk. Administrator Downing agreed and said this mechanism is already stated but he would like it to be clearer when this happens. For instance a chosen value or percent after which it is chosen to recoup funds from the municipalities. Last year the MSCWMO recouped \$2,200. He said in general this happens with the larger reviews rather than the single family residences.

Manager Fellegy motioned to approve the 2021 Project Review Fees and Manager McCarthy seconded this motion. The motion passed on a roll call vote with all in favor.

### **Biennial Request for Professional Services**

Administrator Downing reminded the board that the MSCWMO is required to solicit for legal and engineering services every two years. He asked the board for suggestions on a question: does the board wish to avoid selecting the services of any firms already employed by their communities? Manager Paiement said he thought this may be to prevent conflict of interest but was unsure of how often this issue comes up. Administrator Downing said things may have

changed and perhaps the engineering services wouldn't have conflict due to the nature of the work involving grant project design. He explained he just wanted to point it out because it limits options for exploring, but the MSCWMO is getting good services regardless. Manager Fellegy also recalled the organizations the MSCWMO uses as coming in the lowest on the RFQ's as well. Manager Runk said he thinks the wording is fine.

Manager Runk motioned to ask Administrator Downing to provide the RFQ's to the existing contractors as well as post the request on the public register. Manager Paiement seconded this and the motion passed on a roll call vote with all in favor.

### **2020 BMP Maintenance Program Summary**

Cameron Blake, WCD, presented the 2020 MSCWMO BMP Maintenance Summary Report. The report include information on what BMP's the MSCWMO is maintaining, what activities took place in 2020, and recommended activities for next year. The board thanked the WCD for the work they did.

### **Trinity Lutheran Church Parking Cost Share Request**

Trinity Lutheran Church is requesting a MSCWMO Water Quality grant to install up to 3,000 square feet of Bee Lawn to improve pollinator habitat and slow runoff from 10,000 sq ft of adjacent property. This project would fit under the Landscaping for Water Quality grant program (\$500 cap). Manager Fellegy asked why the cost share would be less than the pervious driveway. Administrator Downing recalled the conversation at last month's board meeting and explained that the cost-share program awarded different values depending on the category of project. Manager Olfelt-Nelson motioned to approve a cost share award not to exceed \$500.00 for the Trinity Lutheran Church Bee Lawn. Manager Fellegy seconded this and the motion passed on a roll call vote with all in favor.

### **Remaining Cost Share**

Manager McCarthy motioned to lump items 8b-9 into one motion for board approval as they are all final payment requests of previously approved projects. Manager Fellegy seconded this motion. The board approved the cost share payments for Fix, Martin, and Ballweg on a roll call vote with all in favor. Manager Fellegy said that he still thinks the board should re-visit the cost share amount granted for permeable paver projects as he doesn't think it's an even trade.

### **Fox Trail**

This is an informative item in the agenda. Administrator Downing explained that he was hesitant to approve this project as it is close to the bluff blowout, and it would be better to choose wooden stairs rather than a trail. The proposed material for the trail (class 5 gravel) is still impervious even though it isn't concrete. Manager Olfelt-Nelson said she has noticed more four-wheelers parked on the beaches of the St. Croix and wants to be careful with these projects. Administrator Downing agreed and said these types of projects would require a variance from the community before it reaches the MSCWMO, and recommends they find a different solution.

### **Erosion and Sediment Control Inspection Reports**

Aaron DeRusha, WCD, has been in contact with the owner and community about the MN Party Bus property re: a perimeter control issue that led to a C grade. The Scanlan and Locke properties have both been very cooperative and responsive. The Stordahl property had a previous

blow out but is back in good shape. Manager Runk told Administrator Downing and Manager Fellegly to keep an eye out for a communication from Oak Park Heights about a 1990 project on west of Oakgreen and south of 55<sup>th</sup> St. which drains onto private property. He said City engineers are going to do some work to stabilize it. Manager Fellegly said this eventually drains onto his own property.

### **Staff Report**

Administrator Downing presented the staff report. The Lily Lake project is at 90% plans and under review. The Lake St. Croix Bluff project is wrapping up soon, once the river freezes. They will finishing in the spring of 2021 unless water levels are too high. The project would then be completed in fall of 2021 which works with the grant timing. There is work being done on PFAS involving testing on deer livers hunted this year to investigate potential impact. Manager Olfelt-Nelson asked where the line of impact for the PFAS issue reaches. The board wasn't sure but it may reach close to St. Mary's Point.

Managers Olfelt-Nelson and McCarthy both need to leave, but one must stay to complete the quorum for the last topic on the agenda. Manager McCarthy is staying.

### **1W1P Updates**

Administrator Downing presented the 1W1P update and required action from the board. The MSCWMO needs to sign onto the JPA by the end of December if they wish to be a participant in the implementation process. Administrator Downing explained the Summary of Actions for Plan Adoption, the Sample Resolution to Adopt, and the LSC Joint Powers Agreement. The MSCWMO needs to: withdraw from the planning process, adopt the 1W1P, approve the JPA, and appoint a representative and alternate for the policy committee. The resolution was received by legal and Administrator Downing further refined it using the SRWMO's resolution (not reviewed by legal). He asked if the board wanted it reviewed by legal first and noted the board could table this for the December board meeting and still meet the 60 day deadline. Manager Fellegly said he thinks the MSCWMO should approve this and thinks its pretty basic. The board agreed to select Manager Fellegly for the representative and keep Manager Zeller as the alternative.

Manager Runk motioned to approve the resolution to adopt the Lower St. Croix Comprehensive Watershed Management Plan And enter into the Joint Powers Agreement for the Implementation of the Lower St. Croix Comprehensive Watershed Management Plan. Authorize Manager Fellegly to serve as the MSCWMO's Policy Committee representative and Manager Zeller to serve as alternate through the January 2022 MSCWMO board meeting. Manager Fellegly seconded this and the motion passed on a roll call vote with all in favor.

### **Adjourn**

Administrator Downing will email the managers the content for the "other" agenda item. Manager Fellegly motioned to adjourn the meeting and Manager Runk seconded this motion. Motion passed on a roll call vote with all in favor. Meeting adjourned at 7:01PM