

Regular Meeting of the Middle St. Croix Watershed Management Organization
HELD REMOTELY DUE TO COVID -19 PANDEMIC
Thursday, April 9th, 2020
6:00PM

Present: Brian Zeller, Lakeland Shores; John Fellegly, Baytown Township; Dan Kylo, West Lakeland Township; Annie Perkins, City of Afton; Mike Runk, Oak Park Heights; Tom McCarthy, Lake St. Croix Beach; Dawn Bulera, Lake St. Croix Beach, Beth Olfelt-Nelson, St. Mary's Point; Joe Paiement, City of Lakeland, Ryan Collins, City of Stillwater; John Dahl, City of Bayport; Administrator Matt Downing. Mike Lyner, Lily Lake Association; Jon Whitcomb, permit applicant.

Call to Order

The meeting was called to order at 6:00PM by Brian Zeller. Administrator Downing reminded the board that all votes require a roll call due to the meeting being held remotely.

Approval of Agenda

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

Approval of Minutes

Manager Olfelt-Nelson had a correction for the March 12th minutes on page 5. During a discussion about local, county, or 1W1P resources she meant to refer to John Parotti of SEH. Manager Olfelt-Nelson motioned to approve the March 12th minutes and Manager Fellegly seconded the motion. The motion passed on a roll call vote with two abstentions, Managers Kylo and Zeller.

Treasurer's Report

The treasurer's report was presented by Manager Kylo. The remaining checking account balance on April 9th 2020 was \$193,081.61. First State Bank CDs were valued at \$38,549.15. The ending balance in the RBC savings account for January 2020 is \$65,031.28. The ending balance in the RBC savings account for February 2020 is \$65,014.52.

Bills to be approved this month are: EOR: \$760.50; League of MN Cities: \$2,275.00, Washington Conservation District (Administration): \$ 2,567.00; Washington Conservation District (Technical Services): \$4,016.00; Total: \$9,618.50. Manager Fellegly moved to accept the treasurer's report and pay the bills and Manager Collins seconded this motion. The motion passed on a roll call vote with all in favor.

Public Comment

There was no public comment. Mike Lyner informed the board he was here for the Lily Lake discussion.

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. Staff is

requesting reimbursement from MPCA totaling \$760.50 (EOR February). Administrator Downing informed the board he had requested a work done summary based on the boards request. The model is reaching a point of relevant MSCWMO information. Manager Runk moved to approve the reimbursement and Manager Fellegly seconded this motion. The motion passed on a roll call vote with all in favor.

Draft MSCWMO Stormwater Treatment Credit Policy

Administrator Downing discussed the need for alternative treatment compliance after the recent cash-in-lieu of treatment issue the board faced. Having a policy in place would simplify the review and decision process. Administrator Downing brought examples for draft review that are closely modeled after CRWD and RWMWD, after finding VBWD's model too simple. Manager Olfelt-Nelson had some questions about the draft. She asked about the wording on the second page about cash contributions being referred to as the last step in the alternate sequence. She wants the wording should be changed to least preferred option to better and more strongly reflect the MSCWMO's position about cash-in-lieu of treatment. Administrator Downing agreed that the MSCWMO would rather have offsite mitigation logistics responsible by the party involved and explained that the wording "last step" was referring to the MIDS flowchart. Manager Zeller asked if the board needed to make a decision tonight. Administrator Downing said he would rather not rush but that the county was asking to use cash-in-lieu of treatment for one of their projects again. Manager Fellegly said he thinks the policy has everything the MSCWMO needs and that he thinks it should be on the books so there is no delay in project reviews. Manager Zeller asked if this option would be open to all developers or just public entities. Manager Downing said he had not found an answer to that yet, but that the board could consult their legal consultant. He said this was to be used as an internal reference document and that the authority remained with the board to use the document as guidance. Manager Zeller said he didn't think the board needed to make a decision tonight and that it shouldn't make the county need to wait on their process. Manager Runk asked if this was coming from the county asking where the money from the cash-in-lieu would be used. Administrator Downing said it was partly reactionary to having another possible project needing to utilize FTO #3. Manager Olfelt-Nelson requested a link to the report. Manager Runk asked to look into the limit to public entities question. Manager Downing will come back to the board if this question would result in a large legal cost. Manager Zeller motioned to table this draft and discussion until the next board meeting and Manager Fellegly seconded. The motion passed on a roll call vote with all in favor.

City of Stillwater Cooperative Agreement for Lily Lake Delisting

Administrator Downing explained that because BWSR is requiring everything to be in place prior to releasing funds, he is rapidly attempting to draft an agreement with the City of Stillwater to bring to committee. BWSR needed assurance MSCWMO would have access to perform the alum treatment and can match funding. Stillwater has \$110,000 cash-in-kind and Administrator Downing was asking the board to contribute \$15,000 in 2020 and 2021. He hopes the maximum amounts will be lower in the end and feels comfortable with this proposal. He is also hoping for another form of match from the Lily Lake Association whether it be in-kind or cash. Manager Zeller noted that \$30,000 was 1/10 of the entire budget. Administrator Downing explained that \$15,000 is what the board sets aside for cost share projects annually and usually only ends up using \$1,000-3,000. The remaining funds usually gets shifted to other budget items such as TA or maintenance of MSCWMO projects. He explained that they were already able to cut out

\$50,000 from the initial basin design which reduced the required match. The CWF grants require a 20% match. Mike Lyner is the president of the Lily Lake Association; he said the group wants to meet water quality goals for the lake so that weed management is not necessary. He thinks they can reach a \$5,000 funding goal. The Lake association wants the lake improved and recognized as a jewel for the entire city, with a plan for the future use of the lake even if the public doesn't want to swim in it anymore. Administrator Downing explained that the planting of the basin is considered in-kind match and that previous work completed cannot be considered match. The MSCWMO is the lead on this project and responsible for the alum treatment through a consultant. Manager Zeller said he would be more comfortable with the MSCWMO contributing \$10,000. Administrator Downing suggested going forward with the \$15,000 this year, to provide BWSR with what they need, and not encumbering the \$15,000 next year. Manager Zeller confirmed with the group that they were comfortable with providing \$15,000 this year. Manager Zeller made this motion and Manager Perkins seconded it. The motion passed on a roll call vote with all in favor.

2019 Annual Watershed Report

Although the 2019 audit is not complete yet due to complications from COVID-19, the report is required to be submitted to the state and posted online. Manager Fellego motioned to approve the report for submittal and posting on the website. Manager Olfelt-Nelson seconded this. The motion passed on a roll call vote with all in favor.

Perry Native Planting Cost Share Request

Mr. Perry is applying for the Landscaping for Habitat grant. He would like to install a 300 sq ft native planting. His property is located on the corner of 3rd St S & Churchill in a very popular neighborhood in Stillwater where the project would provide a lot of educational opportunities. Mr. Perry has a lot of interest in creating pollinator habitat through the use of flowering shrubs and plants, and intends to install his project using organic site prep methods only. He is requesting a \$250 cost share grant for this project. Manager Zeller moved to approve this and Manager Fellego seconded the motion. The motion passed on a roll call vote with all in favor. Manager Zeller noted that \$250 was such a small grant it may not be providing much incentive for these types of projects. Administrator Downing explained that because it was just a native planting with no water quality benefit the amount is low, however the resident received the site visit and plan/design for free.

Oak Park Heights MCES Interceptor

Administrator Downing exercised his authority to send the letter of approval so as to not delay the review process. OPH has not yet approved the projects but staff recommends approval. Manager Zeller motioned to approve this review and Manager Fellego seconded this. The motion passed on a roll call vote with all in favor.

Scanlan Garage and Driveway

Manager Zeller commented that this project was a good demonstration of the value of quick conversations with the applicant. Administrator Downing was able to guide the applicant into understanding what was required and saved a lot of work. The board commended him for this. Manager Dahl motioned to approve the review, and Manager Runk seconded. The motion passed on a roll call vote with all in favor.

CSAH 5 Phase 2

Administrator Downing explained that this was the new county project which was hoping to use the FTO 3/Cash-in-lieu of treatment. No action needed.

3rd and Myrtle Development

Administrator Downing explained they were still working with the applicant to meet the MSCWMO rules. Manager Zeller explained that the project has many site constraints and the engineer is having difficulty working within those to meet the full requirements. He said based on the earlier conversation this is a good example of when having a process to mitigate difficult projects that are 95% of the way to meeting the requirements but are not quite there.

Administrator Downing explained that there was some disagreement with the engineer's calculations/soil and infiltration rate assumptions and the project is so far only achieving 39% capture. He is also working with the City of Stillwater and the BCWD to confirm calculations consistency with similar projects. Manager Zeller asked Administrator Downing to coordinate a meeting with them and Jon Whitcomb. Jon Whitcomb confirmed that he is excited for the project to move forward and to meet with the engineer on site.

Lakeland 2019 Street Improvements

Manager Zeller asked Manager Paiement if the City was moving ahead with the project. He explained that it was a huge project that is dealing with big water issues. Administrator Downing explained that the MSCWMO usually stops involvement after the review and approval of the project but could provide ESC assistance. Manager Zeller noted that they are working with SEH.

Erosion and Sediment Control Inspection Reports

Administrator Downing presented the ESC reports and noted that the first report went very well with the applicant responding and fixing any issues. The second inspection did not go very well and they are communicating with Dwayne and Jon in the community. The city staff will be following up with the applicant to get the site into compliance.

Staff Report

Administrator Downing reported that the remote working procedure is a work in process. He is closing out two grants, Stillwater Country Club and Perro Creek, and that he has been involved in many meetings related to the two large grant processes. There have also been many preliminary/pre-application meetings.

1W1P Updates

The board gave authority to Manager Fellegly two meetings ago to approve the draft 1W1P for the 60-day review period. The group is to bring any feedback on the draft to Manager Fellegly to report back to the 1W1P Policy Committee. Manager Olfelt-Nelson commented on how complicated the plan was and said she would ask her questions to Administrator Downing separately. Manager Fellegly said he appreciated all the work that went into the plan and the help it should provide to the northern half of the basin who has not had as much funding or work done. Administrator Downing said the board could submit their own comments. Manager's Olfelt-Nelson and Perkin's asked Administrator Downing for a bullet point synopsis of the plan. He said the summary page was a good place to start and gave his opinion on how he felt the

MSCWMO should approach the plan. He said due to the location of the MSCWMO in the basin, we will see the water quality benefit of any projects done upstream. There is also a higher cost for the same benefit for projects in the MSCWMO due to location. Because of this he did not feel that each board member needed to heavily scrutinize the draft plan. It will be too much work and there are much larger organizations involved with much more at stake than the MSCWMO. Manager Fellegly noted that there was not that much money at stake. Manager Zeller asked if there were any sections in particular to review. Administrator Downing said the 2-page summary that would be helpful. Manager Zeller asked how the MSCWMO would be affected by grant money in the future. Administrator Downing said the MSCWMO will likely not see much 1W1P funding early on in the process but that overall it will benefit them. Manager Fellegly agreed that this plan was as good as it was going to get and that the MSCWMO would get to be an equal voting member in the decisions to be made. Manager Olfelt-Nelson asked for clarification on the structure of the 1W1P planning groups and what will be the end result once the planning process is done. Administrator Downing explained that there will still be advisory groups to the and that the LSC Partners would likely be the same group of people form the policy committee planning process. Others in the basin can join the LSC partners who did not participate in the planning process at that point as well.

Adjourn

Manager Fellegly moved to adjourn and Manager Dahl seconded this motion. The meeting adjourned at 7:27PM.