

Regular Meeting of the Middle St. Croix Watershed Management Organization  
Washington Conservation District  
Wednesday, November 10th, 2021  
6:00PM

Present: John Fellego, Baytown Township; Mike Runk, Oak Park Heights; Beth Olfelt-Nelson, St. Mary's Point; Dan Kylo, West Lakeland Township; Ryan Collins, Stillwater; Brian Zeller, Lakeland Shores; Annie Perkins, Afton, Administrator Matt Downing; Cameron Blake, WCD; Dawn Bulera, Lake St. Croix Beach alt.

**Call to Order**

Manager Zeller called the meeting to order at 6:02PM.

**Approval of Agenda**

Manager Fellego motioned to approve the agenda with this addition and Manager Kylo seconded this. The motion carried.

**Approval of Minutes**

Manager Runk motioned to approve the draft September 9th, 2021 board meeting minutes and Manager Olfelt-Nelson seconded this motion. The motion carried.

**Treasurer's Report**

The treasurer's report and bills to be paid were presented by Manager Kylo. The remaining checking account balance on November 10<sup>th</sup> for the month of September 2021 was \$461,815.33. First State Bank CDs were valued at \$38,549.15. The ending balance in the RBC savings account for August 2021 was \$76,857.24.

Bills to be approved this month are: Emmons & Oliver: \$1,261.25 total; Emmons & Oliver: \$845.00 total; Emmons & Oliver: \$338.00 total; Washington Conservation District (EMWREP): \$1,575.00; Washington Conservation District (Water Monitoring): \$4,623.14; Washington Conservation District (Administration-September): \$3,768.00; Washington Conservation District (Technical Services-September): \$7,244.00; Washington Conservation District (Grant Hours): \$4,330.13, Washington Conservation District (Administration-October): \$2,181.00; Washington Conservation District (Technical Services-October): \$4,519.50; Total: \$36,163.00.

Manager Fellego asked where the budget tracking was at for the year and Administrator Downing explained that the budget was on track at about 74% through the implementation budget and 83% of the way through the administrative budget. Manager Fellego asked if anything was out of the ordinary for the bills this month and Administrator Downing said no. Grant hours are also tracking well and some grants are getting close to being closed out. Only one community has not yet paid their second half payment (St. Mary's Point).

Manager Fellego motioned to approve the treasurer's report and Manager Runk seconded this motion. The motion carried.

Manager Zeller motioned to approve the payment of the bills and Manager Perkins seconded this motion.

**Public Comment**

There was no public comment.

### **Old Business**

There was no old business.

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

This is a recurring agenda item. The MSCWMO 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 \$1,183.00 (EOR August, September).

Manager Fellegly motioned to approve submittal of 3M PFAS reimbursement request totaling \$1,183.00. Manager Collins second this and the motion passed.

Manager Fellegly asked what work was left to be done with this funding. Administrator Downing said they are working through implementation items, and Manager Kylo said they released the drinking water item the communities had been waiting on. Manager Runk explained that the county has released an infrastructure item related to COVID and discussed Stillwater and the water URPA.

### **2022 Permit Review Submittal and Meeting Dates**

Administrator Downing explained this was the standard sheet the MSCWMO uses to set those following years permit meeting dates and submittal deadlines. The 2022 meeting dates are almost all on Thursdays except for federal holidays in which it is illegal to hold a meeting. Manager Zeller motioned to approve the 2022 permit review submittal and meeting dates. Manager Fellegly second this and the motion passed.

### **2022 MSCWMO-WCD Technical Services Agreement**

Administrator Downing discussed the components of the 2022 WCD/MSCWMO TA agreement. Manager Fellegly asked about billing rates and Administrator Downing explained that the rates went up across the board by \$2-3 per category but this didn't change the overall budget. Manager Fellegly motioned to approve the 2022 MSCWMO/WCD Technical Services agreement. Manager Perkins seconded this and the motion passed.

### **Bluff Owner Direct Information Mailing**

Administrator Downing received direction from managers to create a direct mailer for bluff owners to prompt a conversation about stewardship and encourage residents to engage with the MSCWMO if they see any issues or have questions. There were some options to look at and the board agreed on option B on page 23. The board discussed print options and Administrator Downing explained that he would likely identify how landowners to include in the mailing which would likely be around 500-1000.

Manager Fellegly moved to approve option B for the direct mailing and Manger Collins seconded this. The motion passed.

Administrator Downing will bring those cost estimates to the board. Manager Perkins recalled the City of Afton sending out something similar about rules and regulations as a bluff property

owner which was triggered by a property transfer/purchase. Manager Zeller noted that SSTS systems also have a trigger in that they are required to be inspected prior to the title transfer. He asked if this bluff information could be tied to those notices from Washington County. Administrator Downing will ask if the county can contact him with that information.

### **MSCWMO Logo Options**

The MSCWMO has become more active with direct promotion of practices and education in recent years. A key component of these activities typically is a simple logo for organization identification. Administrator Downing explained that the MSCWMO does not currently have an official logo. As part of the Lower Saint Croix River Partnership, Administrator Downing requested the basin-wide educator develop some sample logos for review by the Board. Manager Perkins explained she liked F as it was bold, simple, and clear. Administrator Downing raised the concern that it may look too similar to a consulting firm's logo that does natural resource work in the metro area. The board discussed the different logo options. The group thought G was easier to read but they liked the circle logo from F. They suggested combining aspects from F and G and flipping the design so the logo was on the other side. Administrator Downing will bring that feedback back to Barbara Heitcamp, the new EMWREP staff member, and she will revise the design.

### **Siegler Shoreline Restoration**

The Siegler's are applying for the Landscaping for Habitat grant in the amount of \$1,000.00. They would like to install a 1,000 sq. ft. shoreline stabilization and buffer expansion practice on the west side of the property on McKusick Lake to prevent erosion and enhance wildlife habitat. Their property contains over 300 linear feet of shoreline on McKusick Lake with one documented State Special Concern Species (*Decodon verticillatus*), making it an ideal location for a water quality and habitat improvement project. Motion by Manager Zeller, seconded by Manager Fellegly, to approve encumbrance of \$1,000.00 cost share for the installation of the Siegler buffer planting.

### **People's Church Habitat Restoration**

People's Church in Bayport is requesting a MSCWMO Landscaping for Habitat grant to install up to 10,000 square feet of prairie to reduce runoff and enhance habitat at their property. The site is located at 1035 5th Ave in Bayport. The site was previously restored with funding from the Board of Water and Soil Resources Capacity funding and the MSCWMO Water Quality grant. Part of this larger restoration was damaged when a neighbor drained a low area of his property and discharged the runoff through the restoration. The neighbor graded and seeded the damaged area two years ago, but it has become clear the seed that was used was turf grass seed and not prairie seed. Members of People's Church are working to restore this area. The site was treated with herbicide this summer and will be burned in the spring with the rest of the restoration. After the prescribed burn, they would like to reseed this area with native prairie seed. The requested cost share would cover the cost of the seed for this area. Staff recommend approval. The motion was made by Manager Olfelt-Nelson and seconded by Manager Collins to approve a cost share award not to exceed \$500 for the People's Church Prairie Restoration.

### **MCC Labor Grant Request**

The MSCWMO has been very successful in obtaining large CWF grants for the implementation of capital projects over the last 5 years. Through this implementation a number of smaller practices have been identified that do not fit inside that funding framework. Examples include bluff and habitat restoration in Lake St. Croix Beach and St. Mary's Point, small residential infiltration basins across the WMO and shoreline restoration on Lily and McKusick Lakes. Administrator Downing is seeking board approval to submit an application for up to 100 hours of Minnesota Conservation Corps labor for the implementation of practices as referenced above. If awarded, this grant would require MSCWMO match in the form of already budgeted technical assistance. The communities of Lake St. Croix Beach, St. Mary's Point and Bayport have already expressed interest in potential partnership if awarded.

Manager Runk motioned to approve the submittal of a Minnesota Conservation Corps grant application for up to 100 hours of crew labor, for work to be completed as identified across the WMO. Manager Kylo seconded this and the motion carried.

### **200 Chestnut-INFORM**

The MSCWMO originally recommended approval of the project in December 2020 which utilized a green roof to meet volume control standards. The developers have since requested the engineer redesign the project exploring other stormwater management alternatives and a resubmittal was received on July 22nd. MSCWMO staff advised resubmittal following the MIDS alternative compliance sequencing and demonstrate volume control is infeasible onsite to pursue alternative stormwater options. The developer and applicant has since decided to revert the back to the original green roof design approved in 2020. We have been in correspondence with the engineer regarding the recalculation of the proposed water quality volume based on testing results of the water retention capacity of the green roof media.

### **Burton Retaining Wall and Patio-INFORM**

The MSCWMO, MNDNR and City of Lakeland Shores met with the project applicant on October 3rd, 2021 for the repair and replacement of failing retaining walls and the construction of a new patio at 313 Quixote Ave N in Lakeland Shores. The applicant was advised that the MSCWMO prohibits construction within 40 feet of the top of blufflines and requires BMPs to achieve volume control when 500 square feet or more of impervious surface is added. The applicant is attempting to revise the project scope so that less than 500 square feet of impervious surface is added and construction within the 40 foot bluffline setback is limited to repair/replacement of existing retaining walls and minimal soil disturbance/grading. No further information has been received and Administrator Downing said he is waiting for them to reach out. Manager Zeller said he believes the project has not started and asked Administrator Downing to cc all of them but that he is under the impression that the homeowner is going to take the lead.

### **Stillwater Towing-ACTION**

The MSCWMO received submittal items on September 15, 2021 for impervious surface improvements and a new vehicle storage lot for Stillwater Towing at 1749 Greeley Street in Stillwater. Revised review materials were received on September 28, 2021 including a memo documenting a higher level of engineering review for the infiltration facilities since the project is located within a high vulnerability DWSMA but outside of an ERA. MSCWMO staff recommend approval with four conditions.

The MSCWMO was able to provide recent data and information that had been gathered for the Lily Lake projects. Manager Collin asked if there was any concern with runoff from an impervious impound lot going to Lily Lake. Administrator Downing noted that he had heard information from the neighborhood as well. He explained that he isn't concerned as this project will actually be reducing loading to Lily Lake. The MSCWMO is not involved in the contaminant hydrology of this kind of development- that role is filled by the City of Stillwater. The practice should address contaminants of concern with the same function as it addresses loading concerns. It may need more frequent maintenance but that is part of the MSCWMO's recommendation for them to enter into a maintenance agreement.

Manager Zeller motioned to approve the project with 4 conditions. Manager Kylo seconded this and the motion passed.

#### **Park Dental-ACTION**

The MSCWMO receive project review submittal materials on September 15th, 2021 for the demolition of existing building and utilities and reconstruction of a new building and associated improvements at 13961 60th St. N in Oak Park Heights. After the initial MSCWMO staff review the applicant was asked to revise and resubmit H&H model materials as well as provide a higher level of engineering review for the suitability of infiltration in a high vulnerability DWSMA on September 17th, 2021. The higher level of engineering review was received on October 19th, 2021 and revised H&H model submittal materials were received November 3rd, 2021. MSCWMO staff recommend conditional approval with five conditions. Manager Runk motioned to approve the project with 5 conditions. Manager Perkins seconded this and the motion passed.

#### **John See Estates-ACTION**

The MSCWMO receive project review submittal materials on September 28th, 2021 for the 4 lot subdivision development at 1937 Stagecoach Trail North. MSCWMO staff requested and received revision and resubmittal of hydrologic and hydraulic models to determine conformance with MSCWMO stormwater management standards on November 5th, 2021. MSCWMO staff recommend approval with 1 condition which is a maintenance agreement. Administrator Downing noted that this was an instance in which the review process needs some better coordination so the order makes sense; the community should give their approval after receiving the MSCWMO's recommendations.

Manager Zeller motioned to approve sending the MSCWMO's recommendation to the city with one condition for the project. Manager Kylo seconded this and the motion passed.

#### **Colburn Garage-INFORM**

A MSCWMO project review application was received on September 30th, 2021 for the tear down of 2 two-car garages and construction of 1 six-car garage at 145 Lakeland Shores Rd in Lakeland. The applicant was notified their application was incomplete and MSCWMO staff are awaiting submittal of required materials to begin the project review.

### **MN Party Bus-INFORM**

The applicant was notified after the last MSCWMO meeting by the City of Lakeland Shores that they were not in compliance with their approved site plan and permit. City staff requested the MSCWMO take the lead on enforcement related to permit compliance. MSCWMO staff met with the applicant on September 23rd and informed them that their options were to:

- Remove the impervious and grading that were done to the conditions that were on their approved plan

OR

- Revise and resubmit an application showing how the stormwater requirements for the site can be met in a different manner

The applicant retained the designer of the original site plan to make modifications and complete the resubmittal. MSCWMO was contacted on October 21st and asked clarifying questions by the designer. No further communication or application has been received.

The applicant has asked the community to approve the project as is. Administrator Downing reminded the applicant of the communications thus far and will contact Lakeland Shores staff to see how they want him to proceed. Manager Zeller said the MSCWMO and Lakeland Shores are all on the same page and that the applicant just needs to address the issues. Manager Olfelt-Nelson asked what options the owner will have to meet the stormwater rules now that there is so much impervious surface. She also wondered if the applicant were to make the required changes, how will they ensure the applicant doesn't just re-pave everything after receiving approval from the city. Administrator Downing explained one of the recommendations is the community enter into a maintenance agreement to make sure the stormwater treatment is functional.

### **Additional agenda item: Stillwater road reconstruction question**

Administrator Downing explained that he received an interesting question from the city of Stillwater on if they required a variance from the watershed to work within a wetland buffer. Administrator Downing explained that the MSCWMO does not have permitting authority and does not grant variances so it would be like the city was requesting a variance from itself. Manager Zeller said the MSCWMO should still do a review and provide recommendations to be consistent. The board discussed whether the city should go through the whole submittal process.

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

Administrator Downing explained that they were trying to be more proactive about bringing potential issues to the communities. He went through the reports and noted that the MSCWMO inspects their own projects as well and that some work was done at the Lily Lake project to improve the ESC appearance on site.

### **Staff Report**

Administrator Downing presented the staff report. There was a longer staff report since there wasn't an October board meeting. The Lily Lake project will likely have a volunteer planting effort as well as planting by the WCD. They checked for any issues with compaction which was an issue with a previous project with this contractor and it seemed to be in good shape. The alum treatment timing is still to be determined as it will depend on ice out and water temperatures. The group discussed the Perro Creek E. coli impairment and what conclusions were drawn from the investigation last year. They learned more about the system and possible avenues to explore moving forward such as the pipes under the school. They will not be DNA testing again as it is expensive. Administrator Downing displayed the new mapping and permit database and applicant capabilities. Manager Zeller asked if the Lakelands street issue had been addressed. It was hard to see this year as there was so little rain so the drainage issue was harder to see.

### **1W1P Updates**

There was a virtual tour but no other updates.

### **Other**

There was nothing.

### **Adjourn**

Manager Fellegly motioned to adjourn the meeting and Manager Perkins seconded this. The meeting was adjourned at 7:06pm.