

Regular Meeting of the Middle St. Croix Watershed Management Organization
Washington Conservation District
Thursday, December 9th, 2021
6:00PM

Present: John Fellego, Baytown Township; Mike Runk, Oak Park Heights; Tom McCarthy, Lake St. Croix Beach; Beth Olfelt-Nelson, St. Mary's Point; John Dahl, Bayport; Dan Kylo, West Lakeland Township; Ryan Collins, Stillwater; Brian Zeller, Lakeland Shores; 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 Runk seconded this. The motion carried.

Approval of Minutes

Manager Fellego pointed out a change for the November 10th minutes- the meeting location was the Washington Conservation District's office, not the Bayport Library. Manager Runk motioned to approve the draft November 10th, 2021 board meeting minutes with that change 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 December 9th for the months of October and November 2021 was \$448,097.91. First State Bank CDs were valued at \$38,549.15. The ending balance in the RBC savings account for October 2021 was \$76,963.76.

Bills to be approved this month are: Emmons & Oliver: \$943.75 total; Emmons & Oliver: \$253.50 total; Washington Conservation District (Administration): \$3,741.00; Washington Conservation District (Technical Services): \$6,223.50; Total: \$11,161.75.

The board asked what the MGM invoice in the packet was referring to and Administrator Downing explained that the MSCWMO was invoicing the management company of the apartment building (MGM) adjacent the Lily Lake project. The MSCWMO agreed to pay for most of the pipework for the Lily Lake project which also improved drainage issues for the apartment building so they agreed to contribute \$5,000.

Manager Fellego noted there was one missing 2nd half member community contribution.

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

Manager Zeller motioned to approve payment of the bills and Manager Runk seconded this motion. The motion carried.

Manager Fellego asked when the year end was and where the MSCWMO was at for the 2021 budget. Administrator Downing will report on the 2021 budget at the January meeting. He noted there would be one additional invoice for December.

Public Comment

There was no public comment.

Old Business

There was no old business.

3M PFAS Reimbursement Request

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 \$253.50 (EOR October).

Manager Zeller approved submittal of 3M PFAS reimbursement request totaling \$253.50.

Manager Runk seconded this and the motion passed.

2022 Insurance Renewal

The board discussed the insurance renewal and decided to continue with how the MSCWMO usually does things. Administrator Downing explained his recommendation is to not waive the monetary limits.

Manager Zeller motioned to renew the insurance as per Administrator Downing's recommendation. Manager McCarthy seconded this and the motion carried.

MSCWMO Logo Options

Administrator Downing presented the updated logo options. He took the feedback the board gave at the last meeting to the designer. He also received feedback that it can be helpful from a design standpoint to have a "square" shaped logo which is why the options are presented with both layouts. The board discussed the logo options and aspects of the designs. The board decided on the third option but using the blue color from the first logo option.

Manager Runk moved to approve this as the MSCWMO logo and Manger Zeller seconded this motion.

2021 BMP Maintenance Summary

Cameron Blake from the Washington Conservation District presented the 2021 MSCWMO maintenance report. He explained that the WCD maintenance program operates as a partnership with communities in Washington County to perform maintenance on native plantings and stormwater Best Management Practices (like raingardens and stormwater basins). He explained the scale of work performed is surficial maintenance like inlet cleanouts and vegetative maintenance, not underground structure cleanouts or major structural repairs and retrofits. This can be valuable for smaller communities who don't have the capacity or expertise to maintain these sorts of BMPs, and larger public works departments that can sometimes run out of time to address that kind of smaller scale/hand crew maintenance.

Manager Zeller explained he had been in discussion with the community of Lakeland about the need for maintenance and inspection services. The city of Lakeland already partners for these services though the WCD maintenance program. He recommended producing material to distribute explaining what work the program can do in simple terms that is easy to understand.

The board agreed this was an important program and opportunity for smaller communities. Administrator Downing distinguished between permitted practices that are not inspected through the existing MSCWMO inspection of voluntary practices.

Lily Basin Pay Request

Administrator Downing presented this agenda item. The basin installation was certified as substantially complete by Emmons Olivier Resources, Inc (EOR) as of December 1st, 2021. There are a few items left for correction and a portion of payment is being withheld until those items are resolved. The EOR Engineer and WCD staff verified that all other items were constructed according to plan and that the basin is substantially and functionally complete. Miller Excavating (the contractor), is requesting payment of \$203,816.61 for the completed portions project. No previous payments have been made to the contractor. WCD staff recommend payment of the full amount requested.

Administrator Downing explained that one of the times that the MSCWMO will not be paying for at this time is the erosion control blankets that were not the correct type per the design. The incorrect blankets that were installed have plastic netting. It is not feasible to remove and replace with the correct netting so they are working on a solution. The proposed solution includes extended maintenance of the practice (from the first 2 years to 3) and the plants for free to make up the cost difference of that item in the project. Retaining the approximately \$37,000 of the final payment should ensure the contractor completes the work as negotiated.

The board asked why the plastic netting can't be removed in the spring after the freeze and Administrator Downing explained that this had been discussed at length with the engineers. This would result in more harm than good for the establishment of the vegetation. It would not help the MSCWMO financially. The proposition of plants and extended maintenance will be a tangible alternative. Alternative LSCB Board Member Bulera asked whose fault this mistake was and if the contractor would be eating the cost for this oversight. Administrator Downing said he didn't receive an explanation from the contractor as to how the oversight happened. The blankets were installed by a subcontractor. But he confirmed the contractor would be providing this value back to the MSCWMO by the solution proposed. The board discussed the types of netting in erosion control blankets. The type the design specified was not plastic and would biodegrade rapidly. The plastic netting can take years to decades depending on the type of plastic.

Board Member Bulera reiterated that she felt the contractor should have to remove the netting

Manager Olfelt-Nelson motioned to approve the partial payment request of \$203,816.61 to Miller Excavating for substantial completion of the Lily Lake Park Infiltration Basin Project. Manager Zeller seconded this and the motion passed with all in favor except Alternative LSCB Board member Bulera.

MPCA Flood Hazard Assessment Grant Request

Administrator Downing presented this agenda item. He explained that there is a grant available to do some assessment work for flooding. This would be a joint application with neighboring watersheds (BCWD, CLFLWD, CMSCWD). He explained that the MSCWMO doesn't have an H & H model like some watersheds do (which is a more detailed way to model flooding in a

watershed) so this grant would be a good opportunity to pay for some of the work that a model like that does. He explained that he doesn't see a downside for applying for this grant. He would not recommend the MSCWMO applying on their own but in this context it's a good opportunity. The expected match would be \$2,000.

Manager Zeller asked if this information already exists in FEMA mapping and statewide available LIDAR data. Administrator Downing explained this wasn't the case. The work that could be done with this grant would analyze data from GIS, SWA's, and updated rainfall models to identify areas in the watershed that could be prone to flooding, especially useful in landlocked areas. Flooding issues like this have been occurring across the county in recent years in areas that have not been expected. Manager Zeller recalled learning more about this topic after a flooding issue in a property in Afton. He asked what watershed district was spearheading this effort and Administrator Downing explained the engineering firm for all of these watershed districts (EOR) is writing the grant but that CLFLWD had already started some of this work and BCWD and CMSCWD had planned for this kind of work farther down the road.

Administrator Downing confirmed that this kind of data would be valuable for the MSCWMO in directing where to plan for flood mitigation strategies and best management practices. The \$2,000 match could come out of In Kind- existing services, or could be from the \$2,000 for project contingency in the budget annually.

This would be figured out if the grant is successful. For now Administrator Downing is just asking for board approval to apply.

Manager Runk moved approval to apply for the MPCA Flood Hazard Assessment grant and Manager Olfelt-Nelsons seconded. The motion carried.

Lake St. Croix Small Communities Phase 1

Administrator Downing explained this was one of two grants used to do bluff restoration in LSCB. He asked for board approval to submit the grant for closure to BWSR and receive final payment.

Manager Zeller motioned to approve this, Manager Runk seconded, 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. They have provided accredited testing results showing the proposed media meets volume control requirements. This project is back into compliance.

MN Party Bus-INFORM

The applicant was notified after the September 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 of their options. The two 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. A partial application has been received and will be reviewed once completed. They submitted and paid for a single family review which is not correct. Once the correct application and payment is received the MSCWMO will begin the review. The owner assured him he will be mailing another check and Administrator Downing will follow up with him tomorrow.

Erosion and Sediment Control Inspection Reports

There are none.

Phase II Lake St. Croix

This agenda item is not in the board packet but requires board action. The previously approved workplan for this grant included survey work done by the WCD engineer. The staff member is unable to do the work as planned due to an injury. They reached out to engineering firm SEH who gave them a cost estimate and specs for the survey. Administrator Downing will ask for clarification and adjusted specs that are standard for the kind of project being designed (10-15ft). The proposed agreement with SEH for the survey is \$4,500 not to exceed \$5,000. This would be paid out of the grant funding.

Manager Zeller motioned to approve the SEH survey agreement as not to exceed \$5,000 for the Phase II LSC grant and Manager Fellegly seconded this. The motion passed.

Staff Report

Administrator Downing presented the staff report. Much of the material has been covered during the meeting. They are receiving final payment for some of the grants. Manager Zeller remarked that the MSCWMO has been extremely successful in leveraging grants; even up to \$700,000 across some years. He stated that he finds this unique in comparison to other WMO's in how the MSCWMO's small budget has been so successful in leveraging grant funds. He asked Administrator Downing to send a grant report that he can distribute to other people to show this work. Administrator Downing will send him this.

Administrator Downing continued with the staff report. He submitted the clean water fund MCC application discussed at the last board meeting for small scale work that has been overlooked in these large grant acquisitions. There are some action plans and designs being completed. This includes work to expand the existing LSCB restoration up the shoreline. Another project this includes is enhancing the buffer along a dirt road in Bayport by Perro Creek. Another project could be some restoration work in St. Mary's Point.

1W1P Updates

Manager Fellegy asked Administrator Downing where the process was at. Administrator Downing agreed that there had not been much activity for the Policy Committee. He explained that there has been activity on the staff level in the advisory committee and once some of the implementation items are implemented there will be policy meetings again.

Other

Manager Olfelt-Nelson asked where the planning process was at for the Xcel Energy Allen S. King Power Plant closure. Manager Zeller explained that he receives the after meeting summaries but that Manager Runk probably knows more about the situation. Manager Runk said they were told a report will be coming in January. Manager Zeller said he could send along the summary emails he receives to Administrator Downing for distribution. Manager Runk said they are looking at money from the state to connect the area with utilities to see how many acres are developable. Oak Park Heights hosted a meeting with people from the state legislature involved with funding. The board acknowledged that whatever development is planned will impact the river and communities downstream. Manager Runk explained the subsection would remain after the plant is demolished so the utility structure can still be used for renewable energy transportation. The next meeting is December 15th. Manager Runk explained that there is a lot of pressure on Oak Park Heights because the plant generates 34% worth of the city's budget in taxes. The loss in revenue will have a ripple effect. Commercial development is taxed at 3-4 times that of residential in the perspective of replacing that lost revenue.

Adjourn

Manager Zeller motioned to adjourn the meeting and Manager Fellegy seconded this. The meeting was adjourned at 6:50pm.