

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

Thursday, January 14th, 2021

6:00PM

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

Call to Order

Manager Zeller called the meeting to order at 6:00 PM. Manager McCarthy dropped off the call and came back on.

Approval of Agenda

The date on the agenda was changed to 2021 and item 11b. Audit discussion was added under "other".

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

Approval of Minutes

Manager Fellego motioned to approve the January 14th minutes and Manager Runk seconded the motion. The motion passed on a roll call vote with Manager Kylo abstaining.

Treasurer's Report

The treasurer's report was presented by Manager Kylo. The remaining checking account balance on January 14th 2021 for the month of December 2020 was \$412,800.16. 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: \$3,491.38; Emmons & Oliver \$1,311.50; Washington Conservation District (Administration): \$3,272.00; Washington Conservation District (Technical Services): \$6,882.00; Washington Conservation District (Grant Hours): \$6,709.41; Washington Conservation District (Water Monitoring): \$6,968.55; Washington Conservation District (EMWREP): \$1,575.00; Total: \$30,209.84.

Manager Zeller motioned to approve the December treasurer's report and Manager Dahl seconded the motion. The motion passed on a roll call vote. Manager Zeller motioned to pay the bills and Manager McCarthy seconded this motion. The motion passed on a roll call vote.

Public Comment

There was no 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. Staff is requesting reimbursement from MPCA totaling \$2,241.00 (EOR October, November, and

December). Manager Fellegly motion to approve submittal of 3M PFAS Reimbursement Request totaling \$2,241.00 and Manager Collins seconded this motion. The motion passed on a roll call vote.

Manager Fellegly asked Administrator Downing if there would be more information or action on this topic coming up. Administrator Downing said there would be and Mr. Grubb was still going to be attending the meetings on behalf of the MSCWMO. This is being paid for by a \$40,000 grant from the MPCA and he anticipates there being more work coming up. Manager Olfelt-Nelson reminded the board that at the last meeting they had asked Mr. Grubb to create reports to update board member on what was occurring. Administrator Downing agreed and said there had been nothing new since the last meeting.

Officer Appointments

Manager Fellegly asked if anyone was interested in taking over the policy committee role in the 1W1P group. Manager Fellegly suggested carrying the same officer appointments over to 2021. Manager Zeller stated that he believes a change in leadership of the board is overdue. He said the role of chair doesn't take a lot of energy and if anyone else is interested he encourages them to come forward. Manager Fellegly spoke to the amount of information Manager Zeller brings to the role of Chair. Manager Olfelt-Nelson agreed that Manager Zeller is a great chair, but understands his point that the board needs to be cultivating the next round of leadership roles for the long term. Manager Dahl said he wasn't sure if he would even be keeping his role on the MSCWMO board through his community. Manager Paiement said he still felt like he was still on the learning curve and there were others with more experience. Manager Kyлло felt he had enough to do in the treasurer's position. Manager Olfelt-Nelson said she had taken on an active role as vice-chair of the LSC Valley Fire Department and so does not have time to be chair for this group.

Manager McCarthy clarified that he was happy to take over as vice chair as he has done in 2020 when Manager Perkins is absent. The group confirmed that Managers Kyлло, Zeller and McCarthy are check signers.

Manager Fellegly motioned for the 2021 MSCWMO officer roles to be filled as such:

Chair: Manager Zeller

Vice Chair: Manager McCarthy

Treasurer: Manager Kyлло

Secretary: Manager Perkins

This motion was seconded by Manager McCarthy and passed on a roll call vote.

Liability Insurance Renewal

Administrator Downing recommends renewing the same coverage and had already asked for an extension as the deadline was tomorrow in case the board decided they wanted physical signatures from the managers. The motion he needs from the board is if they would like to waive the liability limit as usual. Manager Fellegly asked what the cost difference was in not purchasing the additional insurance and Administrator Downing said it was very little. Usually there was a refund based on the costs across the metro area and this information will be included in the year end summary.

Manager Fellegy motioned to proceed with renewing the insurance and not purchasing additional coverage and Manager Runk seconded this motion. The motion passed on a roll call vote. Manager Zeller said he felt comfortable with Administrator Downing signing this, and Manager's Fellegy and Runk agreed to the friendly amendment on their motion to include this.

2020 Savings Deposit

The 2020 MSCWMO Budget included \$5,750 for deposit into savings for future costs including water monitoring equipment replacement and repair, and watershed management plan update costs. None of these funds were expended in 2020 and the entire balance can be deposited. Administrator Downing is requesting board approval to deposit the funds into the RBC savings account.

Manager McCarthy moved to approve staff to deposit \$5,750 from the 2020 budget to savings and Manager Dahl seconded that motion. The motion passed on a roll call vote.

2021 Community First Half Contribution Request

Administrator Downing is seeking approval from the board to request the first half of 2021 community contributions. Manager Zeller noted that the MSCWMO usually confirmed the 2022 budget in April and asked if communities needed this sooner. Managers Fellegy and Kylo both said their communities look at their 2022 budgets at the beginning of February and vote on the 2022 budget in the first half of March. Manager Downing said he will check the budget numbers but the MSCWMO usually tries to keep the same budget for 5 years and 2021 is only the second year in this most recent stretch. So the numbers should be the same as 2020 but he will check and let them know for 2022.

Manager Zeller moved to approve Administrator Downing's request for 1st half 2021 community contributions and Manager Fellegy seconded this. The motion passed on a roll call vote.

2020 Year End Budget Summary

Administrator Downing presented the 2020 year end budget summary. They were slightly over budget but technically not due to a separate value. They had encumbered \$15k from the city and \$5k cost share for the Lily Lake project. The total admin overall was under budget. The audit was more than what was budgeted. The minute taking was over budget due to some new notetakers who faced a learning curve.

The plan reviews were the biggest reason the MSCWMO budget went over. They had not yet recouped all time from those fees. Manager Olfelt-Nelson asked about how the spreadsheet was structured and Administrator Downing explained that the values shown accounted for some fees collected and showed that they spent 36% more than what was budgeted. Administrator Downing said he started a pre-emptive analysis to see how they are spent because they can ask to collect overages. Manager Zeller said he deferred to Administrator Downing on what overages were worth asking for, as some that are too small are not worth it. Administrator Downing explained that some of the overage for that area was due to the high number of pre-application meetings that were never submitted, and so there is no way to recoup that cost. He also said he recommended collecting some of the overages because the actual cost overrun is worse than what the numbers currently show due to the receiving a fee recently for a project that they had barely started reviewing. Manager Zeller asked Administrator Downing to bring them that breakdown.

Manager Olfelt-Nelson recalled that St. Mary's Point had discussed the MSCWMO's permit fee structure from the perspective of how the community could protect themselves from incurring unexpected costs from a high amount of river way project reviews. Administrator Downing explained that the MSCWMO billed back to the community as the permit entity and it is their choice whether or not to bill that back to the permit applicant. Of the three sent in 2020, two communities chose to collect from the applicant while one didn't as a judgement call due to the anticipated costs of collecting the payment. Manager Dahl asked if cities had considered subsidizing the review fees and Administrator Downing said the one community basically chose to do this when they didn't seek payment from the applicant. Administrator Downing said the MSCWMO sets aside some money for this program with the main goal of doing the review, but that the MSCWMO doesn't charge public entities.

Administrator Downing said he wanted to analyze the program to determine a clear threshold amount at which overages are charged back to the communities. This should help communities understand more clearly what to expect. Manager Zeller noted that some of the times there is an overage with the permit review is due to the applicant causing the delay or issue. This was just an informative agenda item with no action needed.

Lake St. Croix Direct South Phase II CWF Award

Administrator Downing informed the board that the MSCWMO had received this grant and is working on the workplan with BWSR. The targeted area is Lakeland and south with the goal of completing 4-8 more of the mid-tier identified projects identified in the Subwatershed Analysis for the area. They are one of only 3 recipients in the St. Croix Watershed. Formal approval of the plan will come later.

Curell Native Planting Cost Share Reimbursement

Last January, the MSCWMO board approved a Landscaping for Habitat grant of \$250 for Gabriel Curell to install native plantings at 1771 Racine Ave S, Lake St Croix Beach. Last year, Curell completed coursework to become certified as a Minnesota Water Steward and installed native plants and a bee-lawn at his home as part of his capstone project. Additional grant funds for the project were provided by the Washington Conservation District. Curell is currently requesting final reimbursement from MSCWMO in the amount of \$41.67 for expenses not covered by the WCD grant.

Manager Zeller motioned to reimburse Gabriel Curell \$41.67 for installation of native plants to support habitat and clean water and Manager McCarthy seconded this motion. The motions passed on a roll call vote.

Fox-ACTION

The construction of a new trail down the bluff on a residential property is proposed at 1485 Rivercrest Road N. in Lakeland. A project application for review was received on October 22nd, 2020. A variance for construction within the bluff line was granted from the City of Lakeland. Apart from grading on the bluff, the project meets all performance standards for erosion and sediment control plans. The project does not add any impervious surface and therefore does not trigger any permanent stormwater management standards. MSCWMO staff recommends project approval with the condition that the applicant use prudence in respect to

timing of the construction activity with relate to the weather forecast and makes every practicable effort to stabilize disturbed bluff areas as soon as possible.

Manager Zeller asked if he knew what contractor they were going to use and said he should let them know about Buell Landscape as they had done his similar project and were experienced. He welcomed them to look at his project as an example, noting that he didn't have erosion issues based on how it was designed/built.

Manager Fellegly motioned to advise Lakeland to approve the project with the conditions noted, and Manager Runk seconded this motion. The motion passed on a roll call vote.

200 Chestnut St –ACTION

Incomplete materials were received for a proposed development of a 73-unit apartment structure at 200 Chestnut Street East in Stillwater on December 1, 2020. Complete review materials were received on December 22, 2020. Stormwater is proposed to be managed utilizing green roofs meeting MSCWMO performance criteria. MSCWMO staff recommend approval with two conditions. Manager Olfelt Nelson explained that she had experience with Green roofs and asked if there was a permitting mechanism to ensure the long term function. She explained that St. Mary's Point had a location that will require annual inspections due to a raingarden being overbuilt to accommodate the overage of impervious surface and she wants to see these mechanisms in place elsewhere. Administrator Downing explained the MSCWMO has no authority for long term maintenance and inspections as they are not the permitting authority. Manager Collins said he did not know if this project had gone before the Stillwater planning commission and he would bring them these notes. Administrator Downing and Manager Zeller both spoke to their trust in the developer as someone who has demonstrated a willingness to go above and beyond. The green roofs will likely be a selling point of the development so they have an incentive to keep them functioning. During the pre-application meeting the developer was cognizant of project quality and their impact on Stillwater.

Manager Zeller asked if the MSCWMO could tour this project when compete and Administrator Downing said he will try and set that up. Manager Olfelt Nelson moved to approve this project with two conditions and Manager Collins seconded this motions. Motion passed on a roll call vote.

Hills of Spring Creek-INFORM

Materials were received for a proposed 195 acre single family residential development in Baytown Township on December 17, 2020. MSCWMO staff reviewed the H/H modeling and upon finding numerous technical errors and methodologies inconsistent with MSCWMO performance standards requested the applicant revise and resubmit materials. MSCWMO staff are currently awaiting resubmittal. Manager Fellegly said he thought they may have had a meeting that he was unable to attend. Administrator Downing said he had not seen any new files yet but they were using a file share service which could be sending them straight to the WCD engineer, Rebecca Nestingen. Manager Zeller asked if the MSCWMO was reviewing the Dewall project yet and Administrator Downing said he hadn't received anything new yet but needed to try reconnecting with them.

1175 Quinlan-INFORM

Incomplete materials were received for a proposed shoreline stabilization project at 1175 Quinlan Ave South in Lakeland on December 21, 2020. A variance from the City of Lakeland for construction within the bluff line will likely be required for the project. MSCWMO staff are awaiting receipt of a complete application package to review the project for conformance with MSCMWO standards. Manager Zeller asked if the project would involve riprap and Administrator Downing said it was not clear yet with the materials that had been submitted.

Staff Report

Administrator Downing presented the staff report. The water monitoring report was coming soon. There have been more ore-application meetings. There has been time spent on grant reporting. The Lily Lake project was going smoothly until recently when parking lot improvement activity started by the neighboring complex without a permit on the property which will affect the basin. He has tried contacting the building owner repeatedly and has a meeting with Stillwater Engineer Shawn Sanders next week. This will need to be addressed in the design to account for the flow or the project will fail.

1W1P Updates

There is no update yet. The next meeting will be the end of January. There was an Advisory Committee meeting today to work on the 1W1P workplan.

Minnesota Campaign Finance Board Request

He reminded the board that their forms were due by January 25th or they could be fined. Manager Zeller noted that it was worth reaching out to elected representatives to remind them that this is not applicable to WMO's who don't have taxing authority.

Audit

Administrator Downing said he received the request to bind services to collect the audit for \$3,000. The MSCWMO had budgeted \$2,100 so he reached out to ask why the value was so high. They said in 2018 there were accounting inconsistencies which led to more work than expected and that this price will go down if those accounting issues related to grant reporting were addressed. Administrator Downing needs the board's approval to move forward with the auditor and sign the agreement with them.

Manager Zeller moved to approve moving forward with the auditor and Manager Fellegly seconded the motion. The motion passed on a roll call.

Adjourn

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 7:05PM