

Regular Meeting of the Middle St. Croix Watershed Management Organization  
HELD REMOTELY DUE TO COVID -19 PANDEMIC  
Thursday, May 13th, 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; Brian Zeller, Lakeland Shores; Dan Kylo, West Lakeland Township; Ryan Collins, Stillwater; Administrator Matt Downing; Cameron Blake, WCD; Erik Anderson, WCD; Dawn Bulera, Lake St. Croix Beach alt., Chris Smith, Public

**Call to Order**

Manager Zeller called the meeting to order at 5:58PM.

**Approval of Agenda**

Manager McCarthy motioned to approve the agenda and Manager Collins seconded this. The motion passed on a roll call vote.

**Approval of Minutes**

Manager Runk motioned to approve the draft March 11th, 2021 board meeting minutes and Manager Kylo seconded this motion. The motion passed on a roll call vote.

**Treasurer's Report**

The treasurer's report was presented by Manager Kylo. The remaining checking account balance on May 13th for the month of March and April 2021 was \$382,543.81. First State Bank CDs were valued at \$38,549.15. The ending balance in the RBC savings account for April 2021 was \$76,857.14.

Bills to be approved this month are: Emmons & Oliver: \$591.50; Emmons & Oliver \$2,758.00; Emmons & Oliver: \$676.00; Washington Conservation District (Water Monitoring): \$4,919.66; Washington Conservation District (EMWREP): \$1,575.00; Washington Conservation District (Administration- March): \$2,374.00; Washington Conservation District (Technical Services-March): \$5,574.00; Washington Conservation District (Grant hours): \$4,925.05; Washington Conservation District (Administration-April): \$1,170.00; Washington Conservation District (Technical Services-April): \$6,197.00; Total: \$30,750.21.

Administrator Downing noted that four communities (Afton, Lakeland, Lakeland Shores, and Oak Park Heights) had not paid their 1<sup>st</sup> half community contribution, but that it was not due yet.

Manager Runk motioned to approve the May 2021 Treasurer's Report and Manager McCarthy seconded the motion. The motion passed on a roll call vote. Manager Zeller motioned to pay the March 11th bills and Manager Runk seconded this motion. The motion passed on a roll call vote.

**Public Comment**

There was no public comment.

## **Old Business**

There was no old business.

## **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 \$676.00 (EOR March).

Manager Zeller motioned to approve submittal of 3M PFAS reimbursement request totaling \$676.00 and Manager Collins seconded the motion. The motion passed on a roll call vote with Manager Kylo abstaining while addressing some technical issues with his Zoom.

## **2021 WCD Water Monitoring Recommendation**

The Washington Conservation District has an agreement with the MSCWMO to perform water monitoring services in 2021. Those services include monitoring work on Lily Lake to assess buffering capacity for an alum treatment and the conditions of benthic water. With the alum treatment on Lily Lake being delayed until 2022 it is recommended to wait to collect data for assessing conditions for an alum treatment until next year.

The portion of the monitoring budget from Lily Lake alum treatment assessment could be reallocated and be utilized for better characterizing the water on Perro Creek and the Greeley Street Inlet to Lily Lake. Perro Creek has been converted to a fully automated monitoring station that collects stage, velocity, and discharge in 15-minute intervals at the Perro Creek outfall to Lake St. Croix this year but currently is contracted for limited analysis of water quality. It is recommended to use the budget from the Lily Lake alum treatment monitoring to instead analyze additional water quality parameters on Perro Creek for 2021.

This would total a \$1,100 shift in lump sum funding within the current contract. Manager Collins asked how the conversations were going with the apartment manager next to the Lily Lake project. Administrator Downing said they will have more final numerical estimates to give to them soon which should alleviate their concerns about how much they may be liable for. He understands their hesitation and believes they are close to moving forward.

Manager Zeller motioned to the reallocation of monitoring funds from Lily Lake to Perro Creek and Manager Runk seconded the motion. The motion passed on a roll call vote (Manager Kylo voted yes after fixing his Zoom technical issues).

## **2020 WCD Water Monitoring Report**

Erik Anderson from the WCD presented the 2020 MSCWMO water monitoring report.

Administrator Downing asked the board to send any questions with him so the report can be finalized and posted to the MSCWMO website. Manager Fellegly asked about the E coli testing results from Perro Creek last year and Mr. Anderson clarified what the results from last year indicated and the plans for this year's testing. The type of testing did not produce a "level" description of high or low, but rather confirmed if it was detected or not and whether they were from a human source. There is no official action needed on this agenda item.

## **WCD-MSCWMO BMP Inspection Database Development**

Beginning in December of 2020, the WCD and partner organizations began coordinating a search for a database and inspection software to replace Mapfeeder due to the need for increased functionality, more control over inspection forms, and to improve efficiency across several service areas including BMP implementation and maintenance, erosion control inspection, and permit tracking. After thorough review utilizing ESRI's ArcGIS Online suite of software was determined to be the most effective, affordable, and controllable solution by creating databases internally for participating watershed partners. Much of the up-front software license cost is assumed by WCD as a part of its basic organizational infrastructure needs. However, each participating watershed would need to purchase a basic set of license subscriptions to access the databases and inspection forms for staff who are not co-located with WCD. It is recommended MSCWMO purchase one Field Worker license. The requested MSCWMO Board Action is to approve purchase or development of One ESRI ArcGIS Online Field Worker License at a rate of \$350/yr and a one time cost for database and forms of \$1,220. Ultimately this will save the MSCWMO money compared to the current system in place, as that program costs the MSCWMO \$900 annually. Manager Zeller said he agreed with this. Manager Fellego commented that the one time cost shouldn't hurt the MSCWMO budget too much. Administrator Downing recommended this extra cost come out of the contingency line item in the budget.

Manager Fellego motioned to approve the first year \$1,220 cost and the annual \$350 cost for the new database and inspection software. Manager Collins seconded this and the motion passed.

## **Baytown Township Request**

Bytown Township has officially requested the MSCWMO assist them in resolving a cross community drainage issue. Manager Fellego explained that the issue was affecting more than one property in Baytown Township from drainage coming from a pipe leading from a well developed area in Oak Park Heights. Baytown Township is looking for assistance in finding more information on where the drainage is coming from and an analysis of the drainage in the issues it appears to be causing. They are hoping to understand what agreements led to this drainage pipe being placed where it is and what management may be required.

Manager Zeller clarified that the MSCWMO is not the permitting entity and does not issue permits; therefore this kind of application information should be on file with the respective communities. The MSCWMO only reviews on behalf of the municipalities. Manager Zeller wondered if drainage easement information could be identified. Administrator Downing said he had done a brief search for this sort of information but has been waiting for clear direction from the board. Manager Zeller said he had reviewed the research Oak Park Heights had performed on this issue which involved analyzing historical photos of the area. From these photos Manager Zeller said it appeared that this area has always conveyed water but acknowledged that he did not know if the amount of water had increased. Manager Zeller said he didn't mind asking Administrator Downing to do a quick search.

Manager Fellego said he had also seen the historical photos and that some of the earlier photos from 1987/1992 showed a holding pond which is no longer there, and is now grassed

over. Manager Zeller said the receiving property was a recent construction and wondered if that development could be impacting the rate and movement of stormwater on site. He asked if this property was one that MSCWMO reviewed. Administrator Downing explained that it was not; the MSCWMO did not have a formalized review process until 2015, so prior to then any review the MSCWMO conducted would have been voluntary and at the request of the community.

Manager Fellegy noted that the homeowner in question did have stormwater features on his property as part of the construction. Administrator Downing reiterated that he can look for information based on the board's direction into easement or GIS information. Files prior to 2015 may be harder to search as many are not even digitized. Manager Zeller said he would like to request Administrator Downing to use his discretion to search and pass along any information that could point to the resolution of this issue.

Manager Kylo agreed and noted that the MSCWMO hadn't existed until 2006 and so some of these historical issue may be difficult to find any information on from the MSCWMO's perspective. Manager Zeller agreed that he was skeptical they could find any information that could point to one accountable party and wondered if the time would be better spent in identifying a solution to the problem instead. He recalled Oak Park Heights as offering an amount of money to go towards resolving or mitigating the issue and asked if there was a simple fix. Administrator Downing said he couldn't make that statement yet without additional information that the MSCWMO could look into. Manager Zeller said he was ok with some time being spent in trying to identify the source of the issue but would prefer to spend more time towards identifying a solution if it comes down to that.

Manager Fellegy asked if Administrator Downing could meet him and the resident at the property in question. Manager Zeller recommended someone from Oak Park Heights be present as well.

Administrator Downing said he felt that he understood the direction from the board to do some light searching for information that could be helpful, and to see if it provides enough information for the MSCWMO to make any recommendations.

Manager Zeller noted that there had been some turnover in the community staff and asked if the MSCWMO could re-introduce themselves as an organization to the communities. He asked Administrator Downing for a simple explanation as to what the MSCWMO is in order to start these discussions.

Manager Olfelt-Nelson joined the meeting at 6:43PM.

### **1175 Quinlan Ave**

Required submittal items were received April 7th, 2021 for a proposed riprap shoreline stabilization project at 1175 Quinlan Ave South in Lakeland (Hubbard Property). Staff recommends approval with three conditions.

Manager Zeller said that riprap on the river shoreline is a project that is often demanded by residents, and asked if the MSCWMO offered incentives to install vegetation as well. He also wondered if there wasn't a way to streamline or come up with a pre-engineered plan for these kinds of projects to avoid the costs to the landowner. Administrator Downing said the MSCWMO requirements on these projects are minor compared to the permit from the Army Corps, and that it involves an erosion and sediment control plan which tend to be site specific. The Army Corps regulates the floodplain in order to avoid fill. Administrator Downing said there

may be some ways to streamline the MSCWMO permit for this type of project. The three recommended conditions for the 1175 Quinlan Ave project are to: provide location of all bluff lines on plans, provide notes or practices on plans to minimize sediment track out from the site, and to provide notes for pollution prevention measures.

Manager Zeller motioned to approve this plan with the three conditions as outlined and Manager Fellegly seconded this motion. The motion passed on a roll call vote. Manager Olfelt-Nelson is stuck on mute but texted her vote of aye to Administrator Downing.

### **2159 River Road S**

Required submittal items were received on April 22nd for the proposed Riley residence reconstruction located at 2159 River Rd S, St. Mary's Point. Staff recommends approval with one condition. Manager Zeller was kicked out of Zoom and is working on logging back in but there is still a quorum to continue. Manager McCarthy motioned to approve this plan with the one conditions as outlined and Manager Fellegly seconded this motion. The motion passed on a roll call vote.

### **Lookout Trail**

Submittal items were received on April 22nd for the proposed reconstruction of Lookout Trail in Oak Park Heights. Staff have requested additional documentation to support the utilization of offsite MnDOT stormwater basins to provide treatment required to meet MSCWMO standards. No board action is needed on this agenda item.

### **Stensland Woods**

The 2nd lot in a 3 lot development in West Lakeland township at 15047 8th st Cir.N is preparing to develop. Each of the 3 lots was initially approved by the MSCWMO and had meet volume and rate control standards for 3,000 square feet of impervious surface on each lot. The developer is proposing to construct up to 6,000 square feet of impervious surface on Lot 2 which will require Lot 1 to provide on-site stormwater management for the impervious surface when it eventually develops. No board action is needed on this agenda item.

### **2711 Itasca Ave S**

Required submittal items were received on April 21st for the proposed Morris residence reconstruction located at 2711 Itasca Ave S, St Mary's Point. Staff recommends board have further discussion regarding underground treatment/storage and fraction of impervious routed to BMP facility. This house is being tore down and rebuilt due to flooding issues. Some of the issues in the initial plans were addressed such as the MSCWMO's requirement of a 2ft elevation. Discussion is needed on the requirement for "all reasonable efforts made to treat stormwater away from the bluff". The proposed stormwater facility has the capacity to treat all the stormwater on the site but only 53% of stormwater is bring directed towards it. The board reviewed the plan set and asked if the builder could include some surface features to treat runoff form the driveway and patios, such as a depression along the driveway. Administrator Downing said that there was room on site for surface treatment but that the builder is currently proposing an underground treatment system because they are avoiding surface feature son the landscape from a design standpoint. The board felt that the builder should be able to meet 100%

compliance for stormwater treatment on this site. They felt 100% was important to recommend in order to set a consistent precedent. Manager Olfelt-Nelson asked if this recommendation could be made to the community of St. Mary's Point. She feels that Administrator Downing needs strong backing on this recommendation from the MSCWMO board. She said she wants to see residents take the opportunity to do better and more treatment rather than less.

Manager Zeller noted that these residents are spending a lot of money to live on the river and they should feel like protecting it. Manager Olfelt-Nelson said she hasn't heard much environmental stewardship lately from residents designing their homes on these river properties.

Manager Zeller said he wanted the MSCWMO to recommend simple solutions to the builder on how to meet 100% treatment of stormwater. Administrator Downing said there were many options, turf swales on the side of the driveway, dry creekbeds, etc. He would give them more direction based on the board's wish.

The other piece for discussion was the underground stormwater facility. Administrator Downing said he felt uncomfortable with allowing a large underground treatment chamber for a private residence due to the difficulty in assuring the practice is functioning correctly and the difficulty of maintaining it. He said that in these situations communities feel obligated to maintain but they are not equipped to perform this maintenance and neither is the MSCWMO/WCD. Manager Zeller asked Administrator Downing to include that language in the recommendation to the community. Administrator Downing said he felt it was in the community's best interest to require annual inspectors (not by the homeowner) to ensure the practice is functioning and whether it needs maintenance. Manager Olfelt-Nelson asked who would be able to inspect this kind of practice and Administrator Downing said it would depend on the details of the underground facility (depth of tank, type of entry, etc.) they are proposing and they had not provided those yet.

Manager Olfelt-Nelsons said the board supports Administrator Downing in this communication to the community that this facility is not the MSCWMO's preferred recommendation and would require annual inspections at a minimum. She said she was willing to look over the letter before it is sent. Manager Zeller asked who the builder was and asked that the applicants are made aware of the options for stormwater treatment as he knows they are good stewards of the landscape.

Administrator Downing requested a formal motion so as to not delay this decision to the next board meeting in June. Managers Zeller and Kylo both agreed that they felt comfortable giving Administrator Downing authority in moving forward based on the discussion. Manager Zeller motioned as such and Manager Runk seconded that motion. The motion passed on a roll call vote.

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

The first round of ESC inspections went well. Aaron DeRusha produced a flyer this spring for developers that included helpful information as well as a supplier list for erosion and sedimentation control products. Administrator Downing presented the inspection reports found in the board packet and noted the grades received and any additional comments. The MSCWMO's bluff stabilization project in Lake St. Croix Beach was looking ok and as expected after the winter/spring we had.

## **Staff Report**

Administrator Downing presented the staff report. The Lily Lake project's design is complete and is going out to bid on May 14<sup>th</sup>. He is still working with the Auditor. After Lily Lake is done the focus will shift to the Phase II funding from the state which will go to smaller projects with direct drainage to the St. Croix.

## **1W1P Updates**

Manager Fellegly has nothing to report. Administrator Downing said there was workplan approval for the Agronomist and Educator position and that the goal now is to identify shovel ready projects for the implementation funds. He will check when the next Policy Committee meeting is scheduled and let Manager Fellegly know.

## **Other**

Manager Zeller reported that he is no longer a Minnesota resident although he still owns property in Lakeland Shores. There is no requirement in the bylaws that the managers need to be residents of their respective communities and he is still appointed through the year by Lakeland Shores, but he wanted to ask the MSCWMO board their thoughts on the matter.

The board concurred that they did not want to lose Manager Zeller's experience and knowledge and hoped he would stay out the end of his term. Manager Zeller said he would be happy to and noted that there was a lot of turnover in Lakeland Shores so thus would be a bad time to find a replacement anyway, especially with the learning curve that comes from serving on the MSCWMO board. He asked the managers to reach out to Administrator Downing if they wished to anonymously express any concerns. There is no motion needed.

Manager Runk asked how the MSCWMO will be meeting in the future. Now that the mask mandate is lifted it questions the reason to have Zoom meetings due to health regulations. Manager Zeller said they should follow the recommendations and only meet maskless if everyone is vaccinated. The board discussed capacity of meeting rooms and decided to stay tuned to further updates from the state. Manager Fellegly had offered the Baytown townhall/community center as an option with more space than the Bayport Library meeting room. Manager Kylo said that Lakeland had not yet held a meeting at their new building as they are also waiting for more guidance. Administrator Downing will check with Brian and get direction on how to proceed.

## **Adjourn**

Manager Runk motioned to adjourn the meeting and Manager Kylo seconded this. The meeting was adjourned at 7:29pm.