

Regular Meeting of the Middle St. Croix Watershed Management Organization
Bayport Public Library
Thursday, May 12th, 2022
6:00PM

Present: Brian Zeller, Lakeland Shores; Ryan Collins, Stillwater; Beth Olfelt-Nelson, St. Mary's Point; Mike Runk, Oak Park Heights; Tom McCarthy, Lake St. Croix Beach; Dawn Bullera, Lake St. Croix Beach Alternate; Administrator Matt Downing; Amanda Herbrand, WCD

Call to Order

Manager Zeller called the meeting to order at 6:43PM.

Approval of Agenda

Manager McCarthy motioned to approve the agenda. Manager Collins seconded the motion.

Approval of Minutes

Manager Collins motioned to approve the draft March 10th, 2022 board meeting minutes and Manager McCarthy seconded this motion. The motion carried on a roll call vote with all in favor.

Treasurer's Report

The treasurer's report was presented. The remaining checking account balance on May 12th for the month of March 2022 was \$250,291.70. The remaining balance for the month of April 2022 was \$232,216.73. First Bank CDs were valued at \$38,549.15. The ending balance in the RBC savings account for March was \$82,723.53. Manager Zeller motioned to approve the report of the savings account and assets, Manager Collins seconded the motion.

Bills to be approved this month are: Helmer Printing: \$454.69; Kennedy & Graven: \$91.50; Minnesota Native Landscapes: \$241.60; Washington Conservation District (EMWREP): \$1,671.40; Washington Conservation District (Water Monitoring): \$5,032.80; Washington Conservation District (Administration-March): \$4,165.40; Washington Conservation District (Grant Hours-March): \$3,113.34; Washington Conservation District (Technical Services-March): \$4,437.00; Washington Conservation District (Administration-April): \$2,422.00; Washington Conservation District (Technical Services-April): \$5,400.00; Washington Conservation District (Grant Hours-April): \$4,508.90; Total: \$31,538.63.

Manager Runk motioned to pay the bills, Manager McCarthy seconded the motion.

Public Comment

There was no public comment.

Manager Zeller mentioned the possibility of doing another direct mail due to a number of new residents in the area. Manager Olfelt-Nelson expressed interest in the next mailing having more substance and specifics as the previous mailing was very general. Administrator Downing confirmed that the previous mailing did generate some response from residents and agreed that the next mailing could be larger, such as a pamphlet or brochure, but cautioned that it would be more expensive. Manager Zeller volunteered to distribute the materials for his community as it

would be a small number of homes receiving the mailing. Administrator Downing will follow up with the St. Croix River Association to see if they are willing to give MSCWMO a pamphlet they had previously distributed.

Old Business

There was no old business.

New Business

Children's Water Festival Sponsorship Request

MSCWMO received a request from Washington County, who is now responsible for coordinating the Children's Water Festival, asking if the WMO would like to sponsor the event. The Board agreed on an amount of \$250 to sponsor. Manager McCarthy motioned, Manager Zeller seconded the motion.

2021 Water Monitoring Report Draft

A draft of the 2021 Water Monitoring Report provided by the Washington Conservation District has been submitted to the board for approval. Manager Runk motioned to approve the draft, Manager Collins seconded the motion.

MCC Buffer Enhancement Agreement

Administrator Downing is requesting authorization from the board to sign an agreement with the Conservation Corps. The Conservation Corps will be working on a number of projects throughout the summer. Manager Zeller motioned to approve the request, Manager Runk seconded the motion.

Riviera Treatment Train Bid Set

The MSCWMO, City of Lake St. Croix Beach, and residents along Riviera Avenue South are entering into an agreement to construct a series of planted and turfed bio infiltration basins and swales along the west side of Riviera, opposite the bluff and river. This project will include a total of seven bio infiltration practices on six parcels, three of which will be constructed entirely within the city right of way. Together, the practices will treat 7.8 acres of residential drainage that is currently discharging directly to Lake St. Croix. The series of proposed basins and swales will reduce total phosphorus (TP) loading to Lake St. Croix by at least 7.3 pounds per year based on 2022 WinSLAMM modeling.

Manager Runk motioned to approve the agreements with City of Lake St. Croix Beach and individual landowners. Manager Olfelt-Nelson seconded the motion. The motioned passed with all in favor.

Manager Zeller motioned to authorize Administrator Downing to sign the agreements. Manager McCarthy seconded the motion. The motion passed with all in favor.

Manager Zeller motioned to approve RFQ and construction bidding procedures. Manager Collins seconded the motion. The motion passed with all in favor.

Administrator Downing mentioned that the project will be out for bid within the week and that the bids would be brought to the next meeting, and construction would likely begin later in the summer.

Lily Lake Alum Treatment Amendment

MSCWMO received a request from EOR for an additional \$11,964.00 to cover increased costs, particularly related to trucking. The original contract for the Lily Lake Alum Treatment was \$134,784.00 and was quoted back in July of 2020. The additional costs bring the total for the project up to \$146,748.00.

Manager Zeller motioned to approve the revised project cost. Manager Collins seconded the motion and the motion passed with all in favor.

An additional motion was made by Manager Zeller to pre-authorize the payment at the request of Administrator Downing to ensure payment could be made to the consultant prior to the next meeting. Manager McCarthy seconded the motion and the motion passed with all in favor.

St. Croix Valley Regional Trail TAC

Washington County is launching a master planning process for the future Middle St Croix Valley Regional Trail. This will be a north-south multiuse trail that will run through eastern Washington County from Downtown Afton to the St. Croix Boom Site in Stillwater. Once fully developed, it will feature vital connections to other state, regional, county and city trails, as well as parks, schools, and businesses in the St. Croix River Valley.

The County is putting together a technical advisory committee (TAC) of key stakeholders along the corridor and would like to have a representative from the Watershed District. They have requested that Administrator Downing attend roughly 4 meetings over a 9-month study period to provide WMO input on the process. Administrator Downing clarified that there is also a citizen advisory committee (CAC) where communities may provide input. Administrator Downing mentioned that this is very early in the planning process.

Manager McCarthy motioned to appoint Administrator Downing as the WMO Representative to the St. Croix Valley Regional Trail TAC. Manager Zeller seconded the motion and the motion passed with all in favor.

Grant and Cost Share Applications

Goeltl Turf to Prairie

The Goeltl's are applying for a Native Habitat Restoration grant. They would like to convert their existing Kentucky bluegrass lawn to a 5,000 sq. ft. native prairie. Their property is located less than a quarter mile from Brick Pond in Priority Catchment Lily-22 as identified in the Lily Lake Stormwater Retrofit Assessment, making it an ideal location for a water quality and habitat improvement project. The project is estimated to cost \$8,241.00 and the cost share requested is \$1,000. The board mentioned that the applicants should be encouraged to check their local ordinance to ensure their compliance.

Manager Zeller motioned to approve encumbrance of \$1,000 cost share. Manager Collins seconded the motion and the motion passed with all in favor.

Kelly Native Planting

The Kelly's are applying for the Landscaping for Habitat grant. They would like to install a 200 sq. ft. native planting for the back (east) and south side home landscape. Their property is located less than 0.5 miles from the St. Croix River, making it an ideal location for a water quality and habitat improvement project. The project is estimated to cost \$331.70, and the cost share requested is \$250.00.

Manager McCarthy motioned to approve encumbrance of \$250.00 cost share for the installation of the Kelly native planting. Manager Collins seconded the motion and the motion passed with all in favor.

Plan Reviews/Submittals

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. The applicant retained the designer of the original site plan to make modifications and complete the resubmittal.

The resubmittal was reviewed and meets MSCWMO performance standards. Full and final compliance with standards will be determined upon submittal of as-builts and measured infiltration as well as an executed maintenance agreement.

Administrator Downing mentioned continued observation of heavy vehicles and equipment on the infiltration area, which can affect infiltration rates. Manager Zeller recommended Administrator Downing get in touch with the city to recommend that barriers be placed to prevent the vehicle parking from being a continued concern.

Baylon Boathouse – ACTION

Solution Blue submitted a project review application on January 19th, 2022 for a boathouse reconstruction at 165 Lakeland Shores Road, City of Lakeland Shores, MN. The project is within the St. Croix Riverway but does not add any impervious therefore permanent stormwater

management BMPs were not required. There are a number of concerns with the project not meeting the Lakeland Shoreland management and Floodplain ordinances. The project will likely require setback variances and a conditional use permit from the City of Lakeland. The ESC plan is meets all MSCWMO performance standards except for the construction within the bluffline setback. The applicant has applied for City variances and a conditional use permit.

Administrator Downing drafted a response to the City Administrator for the City of Lakeland Shores indicating that the MSCWMO recommends the applicant demonstrate compliance or obtain variances to City Ordinances. He clarified that in this instance, demonstrating compliance would mean not building the proposed project. Manager Zeller encouraged that the language of the letter be more clear to ensure it not be misinterpreted by the City.

Manager Runk motioned to rewrite the letter to state that the applicant does not meet flood plain and setback requirements. Manager Collins seconded the motion and the motion passed with all in favor.

Burton Walls – ACTION

The MSCWMO received project review submittal materials on August 27th, 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 MSCWMO staff meet with the project applicant on August 31st and advised the applicant 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 revised the project scope so that construction within the 40-foot bluffline setback is limited to repair/replacement of existing retaining walls.

Manager Zeller requested before and after photos of the project. Manager McCarthy motioned to approve the project with the condition of before and after photos being taken. Manager Runk seconded the motion and the motion passed with all in favor.

St. Michael's Cemetery – INFORM

The MSCWMO reviewed and recommended approval on February 23rd, 2022 for the addition of road and sidewalk at the St. Michael's Cemetery in the City of Bayport. An as-built survey and supporting documents were reviewed by the City Engineer and it was found that the site grading for the stormwater basins was not completed according to the approved grading plan and therefore the project does not meet the MSCWMO performance standards. The City of Bayport has informed the applicant the project requires regrading.

At this point in the meeting Administrator Downing mentioned that the Cities of St. Mary's Point and West Lakeland still owe the MSCWMO and that he would follow up with them.

Park Dental – ACTION

The Middle St. Croix Watershed Management Organization (MSCWMO) received an application for project review 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, located within MSCWMO boundaries and in the City of Oak Park Heights. An initial recommendation of conditional approval was made on November 4th, 2021 but the City of Oak Park Heights did not approve the project based upon the use of infiltration in a high vulnerability DWSMA. The applicant resubmitted the project with a revised the stormwater treatment system to utilize a filtration system and flexible treatment options to comply with the MSCWMO performance standards. MSCWMO staff recommends approval with three conditions:

1. Flowage easements up to the 100-yr flood level have been secured for stormwater management facilities.
2. A proposed maintenance agreement approved by the city is provided.
3. Methods to demonstrate filtration basin is functioning as designed prior to the release of any remaining fee or security are identified in the plans.

Manager Zeller motioned to approve the project with the three conditions. Manager McCarthy seconded the motion and the motion passed with all in favor.

Inspiration – INFORM

The developer has been in contact with the WMO and the City of Bayport regarding the looming expiration of the letter of credit. An as-built survey and supporting documents were reviewed by MSCWMO staff in January 2021 and in correspondence with the City of Bayport public works staff and the developer's engineer it was documented that the infiltration basin was short on volume retention required and the basin could be regraded or the outlet raised to remedy the shortage of volume retention. No information has been provided for review.

2022 Stillwater Streets – INFORM

This item was listed as an action item in the board packet but had since changed to an inform item. An application for project review was submitted on March 29th, 2022 for the City of Stillwater 2022 Street Improvement project which includes pavement rehabilitation, storm and sanitary sewer repair, curb and gutter repair, and sidewalk replacement for numerous City streets. Also included is the addition of 650 feet of new sidewalk along Brick Street and new curb along Ramsey Street. Additional submittal materials were sent to MSCMWO on April 1st, 2022. The plans did not provide enough information on the proposed rain gardens to determine compliance with MSCWMO performance standards and corrections are needed to the HydroCAD model to determine compliance with rate control standards. The rain gardens are also located in an emergency response area (ERA) that is in a high vulnerability DWSMA so infiltration is prohibited and they will need to be designed as biofiltration practices and supply documentation of compliance with MIDS flexible treatment options. MSCWMO staff recommends the applicant revise and resubmit the project for further review.

MNDOT SP 8282-145 – ACTION

An application for project review and required submittal items were received on April 4th, 2022 for the grading, shoulder rehabilitation, and temporary crossovers along TH94 located within MSCWMO boundaries and in the Cities of Afton and Lakeland and West Lakeland Township. The project disturbs 12.1 acres within the MSCWMO which consists of mostly pavement rehabilitation, not full reconstruction and temporary added impervious for traffic crossovers. The added impervious will be utilized during the construction of future project SP 8282-132 and will be removed thereafter in approximately one year. The project demonstrates compliance with erosion and sediment control performance standards. MSCWMO staff recommends approval with no conditions.

Manager Runk motioned to approve the project with no conditions. Manager Collins seconded the motion. The motion passed with all in favor.

Northern Natural Gas – ACTION

This item was listed as an inform item in the board packet but has been moved to an action item. An application for project review and required submittal items were received on April 29th, 2022 for the replacement of 2,320 feet of natural gas pipeline and install a pipeline inspection gauge receiver at the existing Stillwater #1 TBS within MSCWMO boundaries and in the City of Oak Park Heights and Baytown Township. The project disturbs 6.31 acres within the MSCWMO which consists of excavating for the installation of piping, adjacent temporary workspace for equipment staging, and expansion of the gravel impervious surfaces at the Stillwater #1 MN TBS facility by 0.06 acres. The project requires compliance with erosion and sediment control performance standards but is below the threshold for requiring compliance with stormwater management performance standards. MSCWMO staff recommends approval with no conditions.

Manager Zeller motioned to approve the project with no conditions. Manager McCarthy seconded the motion and the motion passed with all in favor.

Erosion and Sediment Control Inspection Reports

There were no new reports.

Staff Report

Administrator Downing presented the May 2022 staff report. Administration items included the May meeting materials, coordination of grant and permit program, and finalizing 2021 audit information.

Administrator Downing discussed the Lily Lake basin, which is 95% complete. Planting for the basin is planned for June 1st and will be conducted by WCD staff, volunteers, as well as members of other organizations. The contractor for the basin has requested final payment. Administrator Downing had some concerns about some aspects of the construction of the basin and has not brought the final payment to the board yet at this time. The night prior to the meeting, the area experienced heavy storms that included large rainfall totals which caused an erosion issue at the basin. Additional work on the Lily Lake Phosphorus Reductions for Delisting include the final plan for the alum treatment, which is scheduled for May 18th. There is potential for the grant for this item to be closed out as early as July.

The Lake St. Croix Small Communities Phosphorus Reduction Grant has entered Phase II. This is a \$158,000 grant for stormwater quality improvement south of Bayport to implement practices in the LSCD south SWA area to achieve a load reduction of up to 7lbs of TP/yr. WCD has completed final design and bid packet will proceed with RFP following board approval at May meeting. All landowner agreements have been signed and construction is targeted for the fall.

The 3M PFAS Settlement MPCA Staff Reimbursement Grant will be coming to an end in June. There are no updates since the last meeting.

Additional staff report items include the water monitoring program. Equipment is being deployed on stream sites in MSCWMO and lake monitoring has begun. Lake elevation gages have also been installed on Lily and McKusick lakes. The 2021 Water Monitoring Summary is complete and was approved by the board earlier in the meeting. For Erosion and Sediment Control Inspections, a spring reminder flyer and erosion control product vendor list was distributed to all known active sites to remind contacts to ensure erosion control measures are ready for spring rains. Wildlife friendly product recommendations were researched and routine inspections are resuming. For BMP Maintenance, site visit and planning for the Stillwater Country Club occurred but cleanout was delayed due to frozen conditions. Oak Park Heights Area D inlet cleanout occurred. For Erosion and Sediment Control Inspection, BMP Project, and Plan Review Database the licenses have been renewed and a presentation on the final product will be given at the June meeting. The final item on the staff report before listing meetings is Small Scale Habitat & Water Quality Enhancement Projects. Contract with St. Mary's Point has been executed and work will commence when flood waters recede. Site prep for Lake St. Croix Beach will begin once MCC Crew time is finalized. These programs are all conducted by the WCD.

1W1P Updates

At the previous meeting Manager Runk was appointed to temporarily sit on the committee for the 1W1P. Administrator Downing asked if the board would like to revisit that appointment, or if Manager Runk will stay as MSCWMO representative. Manager Runk offered the position to anyone who wanted it, but offered to attend the July meeting for 1W1P if no one else took the position. The board agreed that Manager Runk will attend the July meeting.

Manager Runk attended the previous meeting and stated that the main point of discussion at the meeting was whether the 1W1P would continue to be a cooperative or become an entity. The staff recommendation and the recommendation from the Washington County Board Commissioner was that it continue to be a cooperative.

Other

There were no additional items.

Adjourn

Manager Zeller motioned to adjourn the meeting and Manager McCarthy seconded this. The meeting adjourned at 7:43.