

Regular Meeting of the Middle St. Croix Watershed Management Organization
West Lakeland Town Hall, 959 Paris Ave Circle N
Thursday, July 14th, 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; Dan Kylo, West Lakeland Township; John Dahl, Bayport; Administrator Matt Downing; Amanda Herbrand, WCD

Call to Order

Manager Zeller called the meeting to order at 6:00PM.

Approval of Agenda

Administrator Downing requested an item be added under Other. Manager Kylo motioned to approve the agenda with this addition, Manager Collins seconded the motion. The motion carried with all in favor.

Approval of Minutes

Manager McCarthy motioned to approve the draft July 14th, 2022 board meeting minutes and Manager Olfelt-Nelson seconded this motion. The motion carried with all in favor.

Treasurer's Report

Manager Kylo presented the Treasurer's Report. The remaining checking account balance on July 14th for the month of May 2022 was \$301,172.32. The remaining balance for the month of June was \$74,410.54. First Bank CDs were valued at \$38,549.15. The ending balance in the RBC savings account for May was \$82,728.24. The ending balance for the same account in June was \$82,739.35.

Manager Zeller motioned to accept the report of the savings account assets and Manager McCarthy seconded the motion. The motion passed with all in favor.

Bills to approve this month are: Emmons & Olivier Resources: \$422.50; Emmons & Olivier Resources: \$676.00; Peterson Company: \$3,300.00; Washington Conservation District (Administration): \$2,614.00; Washington Conservation District (EMWREP): \$1,671.40; Washington Conservation District (Technical Services): \$6,174.87; Washington Conservation District (Water Monitoring): \$4,956.00; Washington Conservation District (Grant Hours): \$732.21; Total: \$20,546.98.

Manager Zeller motioned to approve payment of bills and Manager Collins seconded the motion. The motion passed with all in favor.

Administrator Downing noted that Baytown Township has not submitted payment for 2022. He also noted that a number of deposits would be going into the account soon, and that West Lakeland Township has an outstanding balance for a 2021 permit review invoice. Manager

Zeller requested Administrator Downing reach out to the representative from Baytown Township to remind them of the needed payment.

Public Comment

There was no public comment.

Old Business

There was no old business.

New Business

Administrator Downing mentioned before going through the New Business items that those marked as “Inform” were action items for the June meeting. Due to the June meeting being cancelled, the items were discussed with Manager (Chair) Zeller previously for approval as the items were time sensitive, but are being brought to the board officially now.

Lily Basin Pay Request – INFORM

Miller Excavating is requesting payment for the final \$38,205.53 for the Lily Basin Project. Manager Runk asked if the erosion at the basin had been fixed. Administrator Downing states that last he saw, it still looked the same but he had been assured that it would be taken care of.

Manager McCarthy motioned to pay the requested \$38,205.53 for the final payment of the Lily Basin. Manager Runk seconded the motion, and the motion passed with all in favor.

2022 Insurance Renewal – INFORM

The board had previously approved renewal of the MSCWMO insurance policy. A bill totaling \$2,764.00 was paid.

Riviera Project Award –INFORM

The board previously approved the solicitation of bids for a treatment train project along Riviera Avenue. Due to time sensitivity, Administrator Downing and Manager Zeller approved the bid from MNL of \$29,410.00 and informed them they could begin work. Administrator Downing mentioned that the estimate from the engineer was \$70,000.00. All three bids received were far below this amount at \$29,410.00, \$59,023.50, and \$55,400.00.

Manager Zeller motioned to approve Award of Construction Contract to MNL. Manager Dahl seconded the motion, and the motion passed with all in favor.

2023 Draft Budget

Administrator Downing presented the 2023 Draft Budget, which had no changes from the 2022 Budget. Manager Runk asked how it is determined what each community pays, to which Administrator Downing stated there is a formula in the Joint Powers Agreement that takes into account population. Manager Runk asked when that would have last been updated. Administrator

Downing believes it was last updated in 2010. Manager Zeller states it should be looked into again as a few communities have experienced significant population increases since 2010. Administrator Downing states he will read the agreement to see what needs to be done to initiate the process.

Manager Zeller motioned to approve the 2023 Draft Budget. Manager McCarthy seconded the motion and the motion passed with all in favor.

Administrator Downing states he will submit the draft budget to the member communities.

2021 Audit – INFORM

The 2021 Audit was required to be completed and submitted to the State by June 30th, 2022. The audit found no concerns and no further concerns should be expected in the future as past grants close out. Administrator Downing states that moving forward he has a better idea of what the auditors are looking for in terms of format of documentation.

Manager Runk motioned to accept the audit. Manager Olfelt-Nelson second the motion. The motion passed with all in favor.

2022 Second Half Contribution Requests

Manager Zeller motioned for Administrator Downing to send out the second half contribution requests to the member communities. Manager McCarthy seconded the motion. The motion passed with all in favor.

Lake St. Croix South Direct Phase II Encumbrance

In 2020, the MSCWMO and the City of Lake St. Croix Beach implemented a cooperative project stabilizing 404 feet of failing bluff toe. The project utilized City funds along with \$220,00 of CWF grant monies secured by the WMO. The design called for 515 feet of shoreline to be stabilized but was limited by funding constraints. Bids for the Riviera Treatment Train (also funded by this grant) came in much lower than expectations, leaving ~\$100,000 for other projects. Since the Phase II grant has the same target areas identified as priorities as Phase I, Administrator Downing is recommending the bluff work be completed using the leftover grant sum. The completion of the stabilization will reduce total phosphorus (TP) loading to Lake St. Croix by a comparable amount of pounds per year as the Phase I project based on BWSR calculator modeling.

Manager Zeller motioned to approve encumbrance of remaining grant funds for the construction of the remaining engineered bluff toe stabilization in Lake St. Croix Beach. Manager McCarthy seconded the motion, and the motion passed with all in favor.

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 \$422.50 (EOR February).

Manager Runk motioned to approve submittal of 3M PFAS Reimbursement request totaling \$422.50. Manager Collins seconded the motion and the motion passed with all in favor.

Grant and Cost Share Applications

Townsend Native Planting

Justin and Rhonda Townsend are applying for the Landscaping for Habitat grant to install a 3,000 sq. ft. native pollinator garden over an existing drain field. The property is located within 500 feet of the St. Croix River, making it an ideal location for habitat improvement project. The estimated cost for the project is \$1,296.00, and the cost share requested is \$250.00.

Berres Native Planting

Annie Berres is applying for the Landscaping for Habitat grant. She would like to install a 500 sq. ft. native planting to support educational opportunities for her home pre-school program. Her property is located less than 500 ft from the Bayport Wildlife Management Area, making it a suitable location for a water quality and habitat improvement project. The estimated cost of the project is \$515.00, and the cost share request is \$250.00.

Manager Zeller motioned to approve encumbrance of \$250.00 cost share for the installation of the Townsend native planting, and to approve encumbrance of \$250.00 cost share for the installation of the Berres native planting. Manager Dahl seconded the motion and the motion passed with all in favor.

Kelly Native Planting

On May 12th the MSCWMO Board of Managers approved cost share encumbrance of \$250 for the Kelly Native Planting project. The landowner has submitted receipts for work (installation of 65 native perennials and three native trees/shrubs) conducted in the spring of 2022, totaling \$243.43 in materials costs. Technical staff have confirmed the work and expenses and recommend reimbursing costs of \$243.43.

Manager McCarthy motioned to approve reimbursement of \$243.43 for the Kelly Native Planting. Manager Runk seconded the motion, and the motion passed with all in favor.

Siegler Shoreline

On November 10th, 2021 the MSCWMO Board of Managers approved cost share encumbrance of \$1,000 for the Siegler Shoreline Buffer project. The landowner has submitted receipts for work conducted in the spring of 2022, totaling \$10,948.00 for materials and labor. Technical staff have confirmed the work and expenses and recommends reimbursing costs of \$1,000.00.

Manager Zeller motioned to approve reimbursement of \$1,000.00 for the Siegler shoreline buffer. Manager Olfelt-Nelson seconded the motion and the motion passed with all in favor.

Hieptas Shoreline

Sarah Hieptas is applying for the Landscaping for Water Quality grant. She would like to enhance 96 linear feet of shoreline on Lake McKusick. This work would include 600 square feet of rip rap removal and maintenance along with 800 square feet of turf conversion to native plantings. The estimated cost for the project materials is \$777.50, and the cost share requested is \$500.00.

Manager Zeller motioned to approve encumbrance of \$500.00 cost share for the installation of the Hieptas buffer enhancement. Manager McCarthy seconded the motion and the motion passed with all in favor.

Plan Reviews/Submittals

2022 Stillwater Streets – ACTION

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. The rain gardens are also located in an emergency response area (ERA) that is in a high vulnerability DWSMA so infiltration is prohibited. The project meets MIDS flexible treatment option 2 and rate control standards with two lined rain gardens. MSCWMO staff recommends approval without any conditions.

Manager Zeller motioned to approve the project without any conditions. Manager Collins seconded the motion. The motion passed with all in favor.

Hassis Paintworks – INFORM

An application for project review was submitted on May 9th, 2022 for the Hassis Paintworks building addition project which includes a building addition and associated parking lot and site work at 1792 Greeley Street in the City of Stillwater. The project consists of 14,056 sf of new/reconstructed impervious surfaces. The submittal demonstrated compliance with MSCWMO rate control standards however the site is located in a high vulnerability DWSMA and will utilize a porous pavement filtration system for stormwater management therefore will need to demonstrate compliance with MIDS flexible treatment options. MSCWMO staff recommends the applicant revise and resubmit the project for further review.

Colburn Garage – ACTION

An application for project review was submitted on May 11th, 2022 for a detached garage project reconstruction at 145 Lakeland Shores Rd in Lakeland Shores. The project consists of removal of the existing garage and construction of a new six car garage which adds/reconstructs

3023 sf of new impervious surfaces. Resubmittal materials that were received on June 27th utilized an infiltration basin to provide volume retention. MSCWMO staff recommend approval with 7 conditions:

1. Erosions and sediment control notes describe installation timing and stabilization timeframes
2. Erosion and sediment control installation details are provided (plan sheet states “see detail” but no details were provided)
3. Type and stabilization methods for permanent vegetation is provided.
4. Frequency of erosion and sediment control inspections and maintenance is described as well as contact information for responsible party.
5. Pollution prevention measures are described.
6. For the infiltration basin construction methods meeting MSCWMO standards are described and a standard cross section detail is provided.
7. Sufficient volume retention is provided to meet the required volume retention for all new/reconstructed impervious area, not just the net increase.

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

Lahr Residence – ACTION

An application for project review was submitted on June 8th, 2022 for proposed retaining wall reconstruction, small patio, stairs, and planting project at 681 Quixote Ave N in Lakeland. The project consists of 416 sf of new impervious surfaces and construction within 40’ of the bluffline. MSCWMO staff does not recommend approval for projects involving unnecessary grading or additional impervious within 40’ of the top of the bluffline, but has made exceptions for retaining wall reconstructions to stabilize slopes. MSCWMO staff recommend the applicant revise and resubmit with only necessary grading/proposed impervious to stabilize the existing retaining wall/bluff slope.

Administrator Downing restates that any project proposal would involve construction activity within 40’ of the bluffline. He states that in the past MSCWMO has given approval to reconstruct existing structures, such as walls. Manager Zeller states that approving reconstruction of a wall has been trouble in the past and that if that is the MSCWMO recommendation, before and after photos will be needed for the project. Administrator Downing recommends informing the community that the project cannot add any impervious and agrees with Manager Zeller that the reconstruction of the wall has to be very specific. Administrator Downing confirms that if the project becomes just a wall replacement, MSCWMO will still review it and the erosion control measures for the project. Manager Dahl asks if it’s necessary to send out a memorandum to the communities to remind them that MSCWMO needs to review projects and make recommendations due to some concerns of projects being approved without MSCWMO review. Administrator Downing requests that board members that are council members in their own communities ask at the council-level if projects have been reviewed by the WMO as they are approved by their community.

Manager Olfelt-Nelson motioned to approve the MSCWMO recommendation that the applicant revise and resubmit with only necessary grading/proposed impervious to stabilize the existing retaining wall/bluff slope. Manager Dahl seconded the motion. The motion passed with all in favor.

Erosion and Sediment Control Inspection Reports

Administrator Downing went through the ESC reports from May and July. Many of the projects inspected were inspected in both months and showed improvements at the second inspection that brought the site into compliance. The inspections from July show all projects as having a grade of A or B. There is one project that has raised some concerns from MSCWMO and the City as the downspouts and pipes from the home direct water down towards the river before sump pump pumps the water back to the top of the slope where the property's rain garden is. This project continues to have follow up visits from the City engineer and MSCWMO is continuing to keep an eye on it.

Manager Olfelt-Nelson asked when compaction of infiltration areas becomes enough of a concern that it is brought to the attention of the site owner or contractor. Administrator Downing states that infiltration areas are not dug to final grade until other areas of the project are completed to protect them, so as other areas of the project finish the contractor should be returning to infiltration areas to loosen the soil and finish them.

Staff Report

Administrator Downing presented the June/July staff report. Administration items included June and July meeting materials, coordination of grant and permit program, and finalized 2021 audit information.

Administrator Downing discussed the Lily Basin planting that occurred June 1st. Manager Collins, EOR, WCD staff, Prairie Restoration staff, and many volunteers attended the event. Due to the lack of rain, MSCWMO had enlisted the assistance of WCD maintenance staff to water the basin, and the City of Stillwater opened fire hydrants twice. Administrator Downing is working with Miller Excavating and EOR to ensure the last items are completed on the basin and has been working on the closeout for the project. The project was completed far under the original estimated cost, with the final project's total cost being approximately \$470,00.00.

The Lake St. Croix Small Communities Phosphorus Reduction Grant is in Phase II. Minnesota Native Landscapes (MNL) has been contracted and will start work along Riviera in the coming months. The remaining grant funds will be used to finish the bluff toe stabilization project as motioned earlier in the meeting.

WCD staff continue their work conducting water monitoring activities in the watershed including monitoring the drainage from brick pond, though staff are having trouble with that particular piece of equipment. Search for a replacement piece of equipment is underway. Lake monitoring activities continue as normal.

Manager Dahl asked if the Perro Creek *E. coli* study was ever wrapped up. Administrator Downing stated genetic marker testing was conducted and concluded that the *E. coli* was likely not human-sourced. Once this was determined, nothing further was done as the risk to human health is determined to be very low. Administrator Downing then mentioned that they did discover that there is some roof run off that was found to be improperly routed that may have been the source.

Other items on the staff report include erosion and sediment control inspections, which were discussed earlier in the meeting. Administrator Downing mentioned that WCD staff will be giving a presentation on the new database the board previously approved.

BMP maintenance, as previously mentioned, has been watering plants in the Lily Basin to ensure they establish, and has also been conducting their other regular maintenance activities. Some projects BMP maintenance has done since last meeting include inlet cleanout at the Stillwater Country Club, vegetation assessment of SCC and discussion about vegetation management plan for 2022, and Perro Creek Shoreline restoration.

Small Scale Habitat & Water Quality Enhancement Projects have been underway in Bayport and Lake St. Croix Beach. Site prep for LSCB buffer enhancement and Perro Creek buffer expansion is underway. Light earthwork/grading for passive revegetation of SMP beach will begin this month. Overseeding at SMP beach site anticipated for fall 2022 or spring 2023 as supplement.

Manager Zeller mentioned seeing some erosion at Lakeland beach under the bridge and mentioned that it may make a good future project. Administrator Downing will look into it.

1W1P Updates

Manager Runk states the next 1W1P meeting will be July 25th, location is yet to be determined. There was no other update.

Other

Administrator Downing presented an additional item. Some other communities have had some concerns with *E. coli* at swimming beaches and is asking the board if they want him to look into testing, either by helping the community find the means to do it or taking it on as a task that MSCWMO conducts. He mentioned that Valley Creek has recently received positive results for human-sourced *E. coli*. There are several possibilities for how the testing could be conducted, Administrator Downing mentions the communities entering a cooperative agreement with the WCD for testing amongst other options.

Manager Zeller mentioned concerns about blue-green algae as well. Manager Zeller recommends reaching out to County Public Health.

Administrator Downing states he will reach out to the County and the communities with beaches along the river to see if there is interest.

Adjourn

Manager Zeller motioned to adjourn the meeting and Manager McCarthy seconded this. The meeting was adjourned at 7:04PM.