

Regular Meeting of the Middle St. Croix Watershed Management Organization
Washington Conservation District, 455 Hayward Ave N
Thursday, October 6th, 2022
6:00PM

Present: Beth Olfelt-Nelson, St. Mary's Point; Mike Runk, Oak Park Heights; Tom McCarthy, Lake St. Croix Beach; Dan Kylo, West Lakeland Township; Dawn Bulera, Lake St. Croix Beach Alternate; Annie Perkins, Afton; Avis Peters, Baytown; Administrator Matt Downing; Amanda Herbrand, WCD

Call to Order

Manager McCarthy called the meeting to order at 6:11PM.

Approval of Agenda

Manager Kylo motioned to approve the agenda, Manager Perkins seconded the motion. The motion carried with all in favor.

Approval of Minutes

The date of the August meeting on the August minutes was found to be incorrect and needs to be changed to August 11th. Manager McCarthy motioned to approve the draft August 11th, 2022 board meeting minutes with the change, and Manager Runk 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 October 6th was \$134,269.81. First Bank CDs were valued at \$38,549.15. The ending balance in the RBC savings account was \$82,836.55.

There are nine bills to approve this month for the Washington Conservation District totaling \$31,716.92.

Manager Runk motioned to approve the Treasurer's Report and pay all bills to the Washington Conservation District. Manager McCarthy seconded the motion, the motion passed with all in favor.

Public Comment

There was no public comment.

Old Business

There was no old business.

New Business

Future Meeting Format

Administrator Downing explained that there has been discussion among the various communities and other entities regarding in-person, online, and hybrid meeting formats. He reached out to two neighboring watershed districts and the County and found that all three had opted for in-person

only meetings. In the cases of neighboring watershed districts, Brown's Creek and Carnelian-Marine St. Croix had both sought out legal advice prior to making the decision for their format. Administrator Downing also mentioned that Manager Zeller's suggestion was to have a hybrid meeting format, but those who attended remotely would be doing so as members of the public, not as Managers of the Board. Manager Runk mentioned potential issues reaching a quorum in that scenario. Administrator Downing mentioned that they could also seek their own legal counsel, and that different entities all seem to be interpreting the law differently.

Manager McCarthy and Manager Perkins state they would like a hybrid option. Manager Olfelt-Nelson asks if that means the meetings would have to continue being held at the WCD office. Administrator Downing states that they could be held elsewhere if the alternate location had the ability, but that technical difficulties had occurred when hybrid meetings were held elsewhere in the past. Administrator Downing states that hybrid meetings would mean more administrative time for him.

Manager Runk suggests continuing holding meetings at the WCD office for now and that the board seeks legal counsel.

Manager McCarthy motioned for Administrator Downing to consult the WMO attorney. Manager Perkins seconded the motion. The motion passed with all in favor.

Manager Runk states that a letter should be sent to all member communities reminding them to appoint an alternate to the Board to prevent future quorum issues. Administrator Downing mentions that seven of the ten member communities do not have alternates appointed. He also mentioned that member communities need to register Managers with the Campaign Finance Board, and that if alternates are not registered, they are not legally recognized as alternates.

2023 Meeting Dates

Administrator Downing presented the proposed meeting dates for 2023. Manager Perkins motioned to approve the 2023 meeting dates and Manager Kylo seconded. The motion passed with all in favor.

Riviera Treatment Train Pay Request

The LSC PII Riviera Avenue Treatment Train project was certified as substantially complete by Washington Conservation District staff as of September 12th, 2022. Total project costs reflected in item 6c_MNL Invoice include all project change orders for additional perennial plugs and rock inlet armoring during construction. WCD staff verified that all other items were constructed according to plan and that the basin is substantially and functionally complete. Minnesota Native Landscapes (the contractor), is requesting payment of \$30,744 for the completed project. No previous payments have been made to the contractor. WCD staff recommend payment of the full requested amount of \$30,744.00.

Manager Olfelt-Nelson motioned to approve the final payment of \$30,744.00 to Minnesota Native Landscapes for substantial completion of the LSC Direct Discharge South PII – Riviera Avenue Treatment Train project. Manager Runk seconded the motion, and the motion passed with all in favor.

Dan Kylo Acknowledgement

Manager Kylo is retiring from the West Lakeland Township town board. He states he handed his resignation in at the September meeting, and that his last meeting will be the November meeting. Manager Kylo first began attending MSCWMO meetings as an alternate in 2005. Administrator Downing thanked Manager Kylo for his time with the Board.

Manager Kylo is the current Treasurer for the Board, and one of three check signers. Administrator Downing states that another check signer will be needed.

Manager Perkins nominates Manager Olfelt-Nelson for the position. Manager Olfelt-Nelson accepts.

Manager Perkins motioned to appoint Manager Olfelt-Nelson as Treasurer. Manager McCarthy seconded the motion. The motion passed, Manager Olfelt-Nelson abstained from the vote.

Administrator Downing states that he will look into what needs to be done to have Manager Olfelt-Nelson added to the account.

Grants and Cost Share Applications

Baldrica Shoreline

On August 11th the MSCWMO Board of Managers approved cost share encumbrance of \$250 for the Baldrica Buffer Enhancement Project. The landowner has submitted receipts for work (installation of 260 native perennials) conducted in the summer of 2022, totaling \$256.20 in material costs.

Manager Runk motioned to approve payment of \$250.00 cost share for the installation of the Baldrica Buffer Enhancement. Manager Perkins seconded the motion, and the motion passed with all in favor.

Hietpas Shoreline

On July 17th the MSCWMO Board of Managers approved cost share encumbrance of \$500 for the Hietpas Buffer Enhancement Project. The landowner has submitted receipts for work (installation of 400 native perennials) conducted in the summer of 2022, totaling \$582.00 in material costs.

Manager McCarthy motioned to approve payment of \$500.00 cost share for the installation of the Hietpas Buffer Enhancement. Manager Perkins seconded the motion, the motion passed with all in favor.

Hanson Infiltration Basin

Robin Hanson is applying for the Landscaping for Habitat grant. She would like to stabilize an eroding hillside by installing a 950 sq. ft. native planting for the back (east) side of her home. The 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. This project will focus on Areas A and B of

the attached Concept Plan. The estimated cost of materials for the project is \$789.00, and the cost share requested is \$250.00

Manager McCarthy motioned to approve encumbrance of \$250.00 cost share for the installation of the Hanson native planting. Manager Olfelt-Nelson seconded the motion, and the motion passed with all in favor.

Manager Olfelt-Nelson asked if there was still funding left for more projects. Administrator Downing states that 41% of funds for 2022 have been used.

Plan Reviews/Submittals

Hassis Paintworks Building Addition - ACTION

The Middle St. Croix Watershed Management Organization (MSCWMO) received submittal items on May 5, 2022 for impervious surface improvements and a building addition for Hassis Paintworks at 1792 Greeley Street located within MSCWMO boundaries and in the City of Stillwater. Revised review materials were received on August 24th, 2022 including a memo documenting a higher level of engineering review for the infiltration facilities since the project is located within a high vulnerability DWSMA but outside of an ERA. Stormwater is proposed to be managed porous pavement. The project meets the applicable Policies and Performance Standards contained within Section 7.0 of the 2015 MSCWMO WMP.

The MSCWMO recommends approval with the following two conditions:

1. Flowage easements up to the 100-yr flood level have been secured for stormwater management facilities (such as ditches and storm sewers).
2. Identify as build survey and method to demonstrate porous pavement is functioning. Prior to the release of any remaining fee or security, the permit holder must provide documentation that constructed volume control facilities perform as designed.

Manager Kylo motioned to approve the project with the two conditions. Manager McCarthy seconded the motion, and the motion passed with all in favor.

Stillwater did reject the project's higher level engineering review so the project will need to resubmit a new design. The resubmittal will be reviewed by MSCWMO.

3 Point Road Garage – ACTION

An application for project review was submitted on September 20th, 2022 for a detached garage and driveway reconstruction project at 3 Point Road in the City of Bayport. The project consists of 2,686 sf of new/reconstructed impervious surfaces. The MSCWMO volume control performance standards are satisfied with a proposed rain garden and plans included all required items for erosion and sediment control performance standards.

Manager McCarthy motioned to approve the project with no conditions. Manager Olfelt-Nelson seconded the motion. The motion passed with all in favor.

St. Croix Car Wash - ACTION

An application for project review was submitted on August 18th, 2022 for the St. Croix Carwash project which includes reconstructing of an existing parking lot to build a car wash adjacent to Tire Pros at 14447 60th Street North in the City of Oak Park Heights. The project consists of 17,242 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 Oak Park Heights where infiltration facilities are prohibited. The applicant demonstrated compliance with MIDS flexible treatment options by removing at least 60% of the annual total phosphorus load with an iron enhanced sand filtration system.

The MSCWMO recommends approval with the following three conditions:

1. Drainage easements covering land adjacent stormwater management facilities shall be shown.
2. Identify as build survey and method to demonstrate filtration basin is functioning and prior to the release of any remaining fee or security, the permit holder must provide documentation that constructed filtration basins perform as designed.
3. Identify the training requirements are satisfied for design and implementation of the SWPPP.

Manager Kylo motioned to approve the project with the three conditions. Manager Perkins seconded the motion. The motion passed with all in favor.

Stillwater Towing - INFORM

This project was previously recommended for approval however the approved stormwater design was modified to account for the addition of a future easement along the east right-of-way of Greeley Street. The revised stormwater design was determined to still meet MSCWMO performance standards. The project is being revised for items not related to water quality concerns and will be reviewed again if resubmitted.

Villas of Inspiration - INFORM

The MSCWMO reviewed Villas of Inspiration as-built materials and found the infiltration basin had not been constructed to plan and fell short of the required MSCWMO volume control performance standard. A revised grading plan was provided which would expand the infiltration volume and satisfy the required volume control.

St. Croix Prep Trail -TBD

An application for project review was submitted on June 21st, 2022 for the construction of a proposed trail at St. Croix Prep in Baytown Township. The project disturbs 3.8 acres and creates 1.9 acres of new impervious surface. The project as submitted does not comply with volume control standards which is volume control for 7,429 cf however the applicant only demonstrated 3,649 cf. The applicant also did not submit any materials to demonstrate compliance with rate control standards. Revised submittal materials were received September 22nd, 2022. MSCWMO staff recommendation is TBD.

Erosion and Sediment Control Inspection Reports

Administrator Downing went through the recent erosion and sediment control inspection reports. The inspection reports all had grades of A, meaning the site was in full compliance and no corrective actions are necessary, with one exception of a B, meaning the site was in compliance but some minor maintenance items required attention.

Staff Report

Administrator Downing presented the staff report. The Lily Basin is complete and a completion ceremony was held on September 30th with FLL and EMWREP. Maintenance continues, including watering by WCD staff. Administrator Downing along with WCD staff will install a fence between the basin and the walking path as a final addition to the project to prevent park visitors from entering the basin. Final closeout and grant reporting will occur this fall.

BMP maintenance, Erosion and Sediment Control Inspections, and Water Monitoring activities by WCD staff continue as normal. It was noted for water monitoring activities that a special E. coli sample was taken on Perro Creek at 3rd Avenue N and Maine Street following a sewage spill at 2nd Avenue N and Maine Street. Sample results are pending, but it appears the sewage did not reach the creek. Also of note, Lily Lake continues to have exceptional secchi disk transparency measurements following the alum treatment earlier in the year.

Additional items on the staff report include work on the Plan Review Database, small scale habitat and water quality enhancement projects, and a list of meetings attended by Administrator Downing.

1W1P Updates

FY23 WBIF Grant Work Plan

At its September 26th meeting the Policy Committee recommended grant work plan approval by partner boards, authorized the Planning Team to make non-substantive changes as required by BWSR, designated Chisago SWCD as the fiscal agent authorized to submit the work plan and execute the grant. The grant work plan is being distributed to the LSC partner boards for approval.

Manager Runk moves to approve the FY23 WBIF grant work plan as recommended by the Policy Committee, including authorizing the Planning Team to make non-substantive changes as required by BWSR and designating Chisago SWCD as the fiscal agent authorized to submit the work plan and execute the grant. Manager McCarthy seconded the motion and the motion passed with all in favor.

Comprehensive Watershed Management Plan Amendment Request

At its September 26th meeting the Policy Committee approved a request to add two additional water bodies to the priority list as well as adding completed inventories and prioritization efforts to the CWMP.

Specifically, the Valley Branch Watershed District (VBWD) requests to:

- 1) Add Valley Creek and Kelle's Creek to the other regionally significant streams listed in Table 5-2 and Figure 5-2 of the CWMP.
- 2) Add completed subwatershed assessments and inventories to Table 7-1 and Figure 7-1 of the CWMP.

Both of these watercourses are significant sources of pollutant loading to the St. Croix River. The associated inventories and subwatershed assessments will guide implementation efforts to meet CWMP goals.

Manager Runk moves to 1) Add Valley Creek and Kelle's Creek to the other regionally significant streams listed in Table 5-2 and Figure 5-2 and 2) Add completed subwatershed assessments and inventories to Table 7-1 and Figure 7-1 as recommended by the Policy Committee. Seconded by Manager Perkins. Motion passed with all in favor.

Adjourn

Manager McCarthy motioned to adjourn the meeting and Manager Runk seconded. The meeting adjourned at 7:16PM.