

Regular Meeting of the Middle St. Croix Watershed Management Organization
Washington Conservation District, 455 Hayward Ave N
Thursday, November 10th, 2022
6:00PM

Present: Beth Olfelt-Nelson, St. Mary's Point; Mike Runk, Oak Park Heights; Dan Kylo, West Lakeland Township; Dawn Bulera, Lake St. Croix Beach Alternate; Avis Peters, Baytown; John Dahl, Bayport; Administrator Matt Downing; Amanda Herbrand, WCD. Audience: Brian Zeller

Call to Order

Manager Olfelt-Nelson called the meeting to order at 6:00PM.

Approval of Agenda

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

Approval of Minutes

Manager Kylo motioned to approve the draft October 6th, 2022 board meeting minutes, and Manager Runk seconded the motion. The motion carried with all in favor.

Treasurer's Report

Manager Kylo presented the Treasurer's Report. The remaining checking account balance on November 10th was \$111,410.61. First Bank CDs were valued at \$38,549.15. The ending balance on the RBC savings account was \$82,919.53 for September, and \$83,043.12 for October.

There are three bills to approve this month for the Washington Conservation District totaling \$8,437.97.

There are no invoices to approve this month.

There are contribution amounts from Lakeland and Oak Park Heights still outstanding for 2022.

Manager Runk motioned to accept the Treasurer's Report and pay the bills to the Washington Conservation District totaling \$8,437.97. Manager Peters seconded the motion, the motion carried with all in favor.

Public Comment

There was no public comment.

Old Business

Future Meeting Format

At the October 6th meeting, the Board directed staff to seek legal guidance regarding potential remote/hybrid meetings in the future. Administrator Downing presented the information from the

MSCWMO attorney, which highlighted seven criteria for electronic participation in board meetings by members. The criteria for electronic participation in a meeting by a board member are:

1. Notice. Notice of the meeting must be provided in the same manner as it would any other meeting. This requires three days' posted notice at the regular meeting location. The notice must state the location of the regular meeting and any location where a member will be participating remotely by interactive technology. This means the Board would need to know the precise location of the member taking part remotely when the notice is posted.
2. Accessibility. Each location at which a member is present must be open and accessible to the public. This means that in addition to the regular meeting space being open and accessible, the member participating remotely must also ensure that the remote location is open and accessible to the public. There is no guidance on what constitutes open and accessible. Paragraph (b) was added to the statute during the pandemic, but it now only applies to military members who cannot attend the meeting in person.
3. Regular Meeting Location. At least one member of the Board must be physically present at the regular meeting location. Usually all but one member is present, but the law does allow multiple members to participate remotely.
4. Ability of Members to See and Hear. All members of the Board participating in the meeting, wherever their location, must be able to hear and see one another and can hear and see all discussion and testimony presented at any location at which at least one member is present.
5. Ability of Public to See and Hear. All members of the public present at the regular meeting location must be able to hear and see all discussion and testimony and all votes of members of the Board.
6. Monitoring From Remote Site. If interactive technology is used, to the extent practical, the Board would need to allow a person to monitor the meeting electronically from a remote location. This means the link to participate in the meeting remotely must be provided to the public as part of the notice for the meeting.
7. Roll Call Votes. All votes must be taken by roll call vote.

Administrator Downing then asked board members for their thoughts and how they would like to proceed. Manager Olfelt-Nelson suggested trying hybrid meetings temporarily and reevaluating in a few months, or whenever the Bayport Library becomes available again when construction is complete. Manager Olfelt-Nelson mentioned that winter weather can be a cause for lack of attendance, and that remote attendance could help ensure a quorum. Administrator Downing agreed, but reminded the board that they would have to give proper notice for remote attendance, and would therefore have to decide prior to the day of the meeting if winter weather would be a problem.

Manager Kylo asked if the public would be able to participate remotely. Administrator Downing states that the criteria would also apply to members of the public, meaning they would have to be seen to participate.

Manager Peters suggested the Baytown Community Center as a more central location. Manager Olfelt-Nelson mentioned that a different location could increase the potential for technical difficulties, and Administrator Downing mentioned that at a previous meeting at Lakeland Town Hall there were technical difficulties. Keeping the Washington Conservation District as the meeting location would help minimize potential for technical difficulties as it is already set up for hybrid meetings for the WCD Board.

Manager Runk motioned to conduct hybrid meetings for three months, then reevaluating in February. Manager Peters seconded the motion. The motion carries with all in favor.

New Business

2023 Review Fees

Administrator Downing presented the Permit Review Fees proposed for 2023. Manager Dahl motioned to approve the fees as presented, Manager Runk seconded the motion. The motion passed with all in favor.

Request for Professional Services

The MSCWMO is required to solicit for legal and engineering services every two years. The organization's current legal provider is Kennedy and Graven and current engineering firm is Emmons and Olivier Resources. Staff will provide the request for quotes to the existing contractors as well as post the request on the public register. Administrator Downing is seeking input and approval to advertise for services.

Manager Runk motioned to approve advertising for legal and engineering services for the MSCWMO. Manager Kyllo seconded the motion. The motion passed with all in favor.

Lily Lake Basin Final Payment Request

Miller Excavating has requested final payment for their work on the Lily Basin. EOR has reviewed the payment application is recommending a payment of \$2,010.82 to Miller Excavating as part of final closeout procedures.

Manager Dahl motioned to approve the payment of \$2,010.82 to Miller Excavating for final payment of the Lily Lake Infiltration Basin project. Manager Peters seconded the motion. The motion passed with all in favor.

Lily Lake Delisting Signage Scope

After completion of the stormwater improvement project at Lily Lake, an educational and interpretive sign would be helpful to convey the scope and benefits of the project to site visitors. This sign would serve to both educate people about stormwater and water quality issues in the Lily Lake watershed and advertise the work that has been done by MSCWMO in cooperation with City of Stillwater and State of MN funding to improve water quality in Lily Lake. An educational sign, 24" x 36" in size, is proposed to be placed along the trail by the stormwater

basin. EOR will work with MSCWMO staff to choose an appropriate sign location and prepare design files for manufacturing. EOR will coordinate sign manufacture and install with Vacker Signs.

An extension of the grant is needed in order to use grant funds to pay for the sign as the grant expires at the end of the year. Manager Runk motioned for Administrator Downing to apply for a 6-month grant extension. Manager Dahl seconded the motion. The motion carried with all in favor.

Manager Runk motioned to approve the scope of services (sign design, sign revisions, sign preparation, sign production) for an estimated cost of \$4,937.00. Manager Olfelt-Nelson seconded the motion. The motion carried with all in favor.

2023 Insurance Renewal

MSCWMO insurance coverage is expiring. This item is to renew insurance coverage for 2023.

Manager Bulera motioned to renew the insurance agreement for 2023. Manager Peters seconded the motion. The motion carried with all in favor.

2022 Inspections and Maintenance Summary

This item was tabled due to WCD staff being unable to attend the meeting.

2023 Technical Services Agreement

Administrator Downing presented the 2023 service agreement between the WCD and MSCWMO. The total cost of the agreement is \$121,264.00 and includes administrative services, technical services, and water monitoring services.

The agreement as presented at this time has the wrong year indicated on pages 5-7 of the agreement. Administrator Downing confirms he will correct the years to all say 2023.

Manager Runk motioned to approve the 2023 Technical Services Agreement with the corrected dates. Manager Dahl seconded the motion. The motion carried with all in favor.

Grant and Cost Share Applications

Goeltl Turf to Prairie

On May 12th the MSCWMO Board of Managers approved cost share encumbrance of \$1000 for the Goeltl Turf-to-Prairie project. The landowner has submitted receipts for work conducted in the spring/summer of 2022, totaling \$5,156.66 in materials and labor.

Technical staff have confirmed the work and expenses and recommend reimbursing costs of \$1,000.

Manager Kylo motioned to approve reimbursement of \$1,000 for the Goeltl Turf-to-Prairie project located at 820 Rainbow Ct., Stillwater, MN 55082. Manager Dahl seconded the motion, and the motion carried with all in favor.

Townsend Native Planting

On June 9th the MSCWMO Board of Managers approved cost share encumbrance of \$250 for the Townsend Native Planting project. The landowner has submitted receipts for work conducted in the summer of 2022, totaling \$263.75 in material costs.

Technical staff have confirmed the work and expenses and recommend reimbursing costs of \$250.

Manager Runk motioned to approve reimbursement of \$250 for the Townsend Native Planting project located at 16810 25th St. S., St. Mary's Point, MN 55043.

Plan Reviews/Submittals

St. Croix Prep Trail--Action

The Middle St. Croix Watershed Management Organization (MSCWMO) received revised submittals on November 3rd, 2022 for the proposed St. Croix Prep Nature Trail, located within MSCWMO boundaries in the Township of Baytown. The proposed project qualifies for full review under the MSCWMO 2015 Watershed Management Plan (WMP).

The project, as revised, provides sufficient information to determine compliance with applicable Performance Standards contained within Section 7.0 of the 2015 MSCWMO WMP. The MSCWMO staff recommend the approval with the following two conditions:

1. Receipt of a fully executed maintenance agreement, which may be in the format of Appendix K, or other form approved by the township, and
2. Flowage easements up to the 100-year flood level for the stormwater management facility have been secured and recorded.

Manager Peters motioned to approve the project with the two conditions. Manager Runk seconded the motion. The motion carried with all in favor.

Hinderaker Garage—Inform

An application for project review was submitted on October 1st, 2022 for the construction of a garage at 1218 6th Ave S in Stillwater. A variance from the City was granted on the condition that the applicant meets MSCWMO standards for stormwater mitigation. The application for review is incomplete and the remaining items needed have been communicated to the applicant. They are planning on having a complete package for review at the December meeting.

Baylon Boathouse—Inform

The applicant has been implementing their approved plan for the reconstruction of a boathouse located at 165 Lakeland Shores Rd. There have been inquiries made on the installation of riprap and the construction of a new home. The applicant has been informed that these activities would require an additional review by MSCWMO.

Erosion and Sediment Control Inspection Reports

None

Staff Report

Administrator Downing presented the staff report. As mentioned earlier in the meeting, a grant extension is being requested for the Lily Lake project to implement signage about the basin. Fencing was installed around the basin to prevent visitors from entering it. Bluff toe stabilization work for Phase II of the Lake St. Croix Small Communities Phosphorus Reduction Grant has begun, tree removal has commenced.

Lake and stream monitoring by WCD staff has wrapped up field work for the season. Thirteen lake samples were collected on McKusick Lake and fourteen were collected on Lily Lake. Two storm samples and one base sample were collected at the Greeley St monitoring site, and one snowmelt, nine storm, and five base flow samples were collected at the Perro Diversion site. Equipment has been removed from the field and maintenance, testing, repair, and cleaning will follow.

Other updates of the staff report include BMP maintenance, erosion and sediment control inspections, and small-scale habitat and water quality enhancement projects.

1W1P Updates

No updates from Manager Runk. The next meeting is scheduled for the end of January.

Adjourn

Manager Runk motioned to adjourn the meeting and Manager Kylo seconded. The meeting adjourned at 7:02PM.