

Regular Meeting of the Middle St. Croix Watershed Management Organization
Washington Conservation District, 455 Hayward Ave N
Remote Locations: 5312 Fourwinds Way, Fort Pierce, FL 34949
Thursday, March 9th, 2023
6:00PM

Present: Brian Zeller, Lakeland Shores; Beth Olfelt-Neslon, St. Mary's Point; Mike Runk, Oak Park Heights; Phil Moosbrugger, West Lakeland Township; Tom McCarthy (remote), Lake St. Croix Beach; Ryan Collins, Stillwater; Administrator Matt Downing; Amanda Herbrand, WCD; Audience: Dawn Bulera, Tim Schneider

Call to Order

Manager Zeller called the meeting to order at 6:01PM.

Approval of Agenda

Administrator Downing requested one addition under "Other": Memo for burn quote. Manager Collins motioned to approve the agenda with the addition, Manager Runk seconded the motion. The motion carried on a roll call vote with all in favor.

Approval of Minutes

Manager Olfelt-Nelson motioned to approve the draft January 12th, 2023 board meeting minutes, and Manager Runk seconded the motion. The motion carried on a roll call vote with all in favor.

Treasurer's Report

Manager Olfelt-Nelson presented the treasurer's report. The remaining checking account balance on March 9th was \$88,373.75. First Bank CD's were valued at \$38,549.15. The ending value on the RBC savings account from January was \$89,408.17. Manager Runk motioned to approve the report of the savings account and assets for March 9th, 2023. Manager Collins seconded the motion. The motion carried on a roll call vote with all in favor.

Bills to approve this month are \$54.00 to MN Dept of Admin, \$2,768.00 to League of MN Cities, \$37.80 to Kennedy & Graven, \$44.54 to Michael Runk for mileage reimbursement, and six bills to the Washington Conservation District totaling \$23,548.31 for January and February Admin, January and February Technical Services, and January and February Grants. Manager Zeller motioned to approve payment of bills for March 9th, 2023. Manager Olfelt-Nelson seconded the motion. The motion carried on a roll call vote with all in favor.

Public Comment

None

Old Business

WMP Plan Update Resolution

Administrator Downing presented the official written resolution to update the Middle St. Croix Watershed Management Organization Watershed Management Plan.

Beth Olfelt-Nelson motioned to approve the resolution to update the Middle St. Croix Watershed Management Organization Watershed Management Plan. Manager Runk seconded the motion. The motion carried on a roll call vote with all in favor.

New Business

Request for Professional Services Summary

Pursuant to Minnesota Statutes Annotated 103B.227, Subd. 5, the Middle St. Croix Watershed Management Organization must solicit Letters of Interest Proposals for legal and engineering consulting services every two years. Per board direction, advertising was done via the Minnesota State Register and direct mail to local firms.

One proposal was received for legal services from the MSCWMO's current provider, Kennedy & Graven.

Four proposals for engineering services were received and are presented for review by the Board. The firms for consideration are as follows, with full proposals included in the meeting materials: cbec Inc. eco engineering, Geosyntec Consultants, Inc., Short Elliot Hendrickson Inc., and Emmons & Olivier Resources, Inc.

Manager Olfelt-Nelson motioned to select the current providers for legal and engineering services, Kennedy & Graven and Emmons & Olivier Resources, Inc. (EOR), for 2023-2024. Manager Zeller seconded the motion. The motion carried on a roll call vote with all in favor.

2022 Project Review Fee Summary

The MSCWMO conducts reviews of building permits submitted to member communities and recommends steps to be taken to ensure compliance with the MSCWMO standards that have been adopted by these communities. To accomplish this task, the MSCWMO budgeted \$5,040 in 2022 and requires a review fee by non-public entity applicants. The board has approved a fee schedule that scales with the size and scope of proposed projects to offset the cost of the review.

2022 was a well above average year for review workload with \$26,455 of labor costs were incurred. Review fees totaling \$7,050 have been secured, the associated review costs were \$18,171 resulting in a \$11,121 deficit. The remaining deficit was from time spent where no application has been formally received, or on reviews of public entity projects.

Policy set by the Board in 2021 was overages in review time over \$500 to be presented for approval to invoice. If the decision is made to request additional fees to cover review costs, the MSCWMO will send a request to the permitting entity (community) for the difference in fee vs. actual total cost. Total revenue recommended for recovery is \$10,267.25

Manager Zeller motioned to request \$10,267.25 from the applicable communities for permit reviews. Manager Collins seconded the motion. The motion carried on a roll call vote with all in favor.

2022 Annual Report Draft

The 2022 Annual Report draft is included in the board packet. Administrator Downing asks that board members read and submit comments for changes.

Manager Zeller motioned to finalize the 2022 Annual Report draft, subject to any comments Administrator Downing receives. Manager Runk seconded the motion. The motion carried on a roll call vote with all in favor.

Lily Lake Sign Draft Approval

Administrator Downing presented the draft of the Lily Lake sign created by EOR. Administrator Downing requests board members review the sign before leaving the meeting and make comments so the sign can be finalized. The sign is planned to be installed at the Lily Lake Basin prior to June.

Grant and Cost Share Applications

Sunnyside Condos Native Planting

Victoria Bradford, as a representative of Sunnyside Condos management, is applying for the Landscaping for Habitat Grant to establish a 500 square-foot pollinator garden at 6375 St. Croix Trail North. The estimated cost for the project is \$5,950, the cost share requested is \$250.00. Manager Zeller recommends increasing the cost share to \$500.00 due to the size and impact of the project. Manager Zeller motioned to approve encumbrance of \$500.00 cost share for the Sunnyside Condos Native Planting. Manager Olfelt-Nelson seconded the motion. The motion carried on a roll call vote with all in favor.

Kalambokidis Buffer Enhancement

Laura Kalambokidis is applying for the Landscaping for Water Quality Grant to enhance approximately 750 square feet of shoreline buffer on Lake McKusick with native grasses, sedges and forbs. The project is located within a prioritized catchment McK-18 of the Lake McKusick Stormwater Retrofit Assessment. The estimated cost for the project is \$3,281.25, the cost share requested is \$500.00. Manager Collins motioned to approve encumbrance of \$500.00 cost share for the installation of the Kalambokidis Buffer Enhancement. Manager Runk seconded the motion. The motion carried on a roll call vote with all in favor.

Plan Reviews/Submittals

Baylon Residence—ACTION

An application for project review was received December 20th, 2022 for the proposed home reconstruction located at 165 Lakeland Shores Rd. The project is within the St. Croix Riverway and involves 9,713 sf of new/fully reconstructed impervious surface. Numerous revisions and resubmittals were provided by the applicant at the request of MSCWMO staff and the City Engineer to provide complete submittal items, correct the stormwater management hydrologic and hydraulic calculations, remove proposed construction from within the 40' bluffline setback, and update erosion and sediment control plans to conform with MSCWMO performance standards. The proposed project as revised and resubmitted meets the MSCWMO performance standards, however, it is recommended that as a condition of approval that the City approves or has approved a variance and conditional use permit (CUP) for reconstruction of the boathouse, a connected project at the same property.

Manager Zeller motioned to approve the project with the one condition. Manager Olfelt-Nelson seconded the motion. The motion carried on a roll call vote with all in favor.

CSAH 5 Phase 2—ACTION

An application for project review was received on January 12th, 2023 for the proposed Washington County CSAH 5 Phase 2 Improvement Project in Stillwater. The proposed improvements create new/fully reconstructed impervious surface areas of 3.090 acres. In addition to the Phase 2 improvements, the stormwater management performance standards are carried over from the CSAH 5 Phase 1 improvements completed in 2018. The volume retention goal is controlled by 0.55 inches over a total of 3.580 acres of new/reconstructed impervious. Onsite volume retention is precluded by the prohibition of infiltration practices in ERAs and high vulnerability DWSMAs and right-of-way constraints. The applicant (Kimley-Horn on behalf of Washington County) has proposed to partially comply with FTO#2 with an annual 1.54 lbs TP reduction utilizing sump/baffle structures but 60% TP removal (FTO #2) would require an annual reduction of 4.00 lbs TP. The remaining 2.46 lbs TP reduction is proposed to be achieved through FTO #3 – offsite mitigation in the form of a cash-in-lieu payment of \$153,750 based upon the MSCWMO cash-in-lieu policy rate of \$62,500/lb TP removal. The MSCWMO staff recommends approval of the project contingent upon a County agreement for the cash-in-lieu payment.

Manager Zeller asked to see the site on a map and asked if there are any properties nearby where a new practice could be installed with the funds received, as Administrator Downing mentioned that projects for cash-in-lieu payments should be in the same drainage area as the original project. Manager Collins mentioned a couple churches nearby as possibilities. Administrator Downing states that if this recommendation is made by the board, the next step will be identifying a potential project and location. He also emphasizes for newer board members in attendance that it is very difficult for a project to achieve cash-in-lieu payment as an option as opposed to onsite treatment and it is almost only ever achieved by linear projects, such as road projects. Manager Zeller states that the agreement should include that payment needs to be made by a predetermined date, and Administrator Downing agrees.

Manager Zeller motioned to approve the project contingent upon a County agreement for cash-in-lieu payment, Manager Collins seconded the motion. The motion carried on a roll call vote with all in favor.

MnDOT I94—ACTION

An application for project review was received on January 18th, 2023 from MnDOT for proposed roadway improvements on I94. The proposed improvements consist of mill and overlay sections of impervious surfaces and will not fully reconstruct impervious surfaces and are therefore exempt from stormwater management performance goals. The project was reviewed for compliance with all other MSCWMO performance goals since it qualifies for project review by disturbing more than 10,000 square feet of land. The MSCWMO staff recommends the proposed project is approved with one condition: Exposed soils and stockpile stabilization timeframe in the SWPPP is changed from 14 days to 7 days to account for portions

of the project are within a mile of and that drain to special or impaired waters that have construction related impairments (Battle Creek, Goose Lake, Markgrafs Lake, Lake St. Croix).

Manager Zeller motioned to approve the project with the one condition. Manager Runk seconded the motion. The motion carried on a roll call vote with all in favor.

Chapel Hill Flats—INFORM

An application for project review was received on January 5th, 2023 for the proposed redevelopment of a vacant parcel at 110 Myrtle St E in Stillwater to construct multi-family apartment housing. The initial submittal utilized an underground infiltration facility to achieve MSCWMO volume retention performance goals, however, the City of Stillwater has communicated that infiltration practices will not be appropriate onsite based upon the potential impact to the neighboring property. A resubmittal by the applicant was received that does not comply with the MSCWMO FTOs since it only demonstrated a TP removal performance of 39%. The MSCWMO staff have requested the project is revised and resubmitted looking into alternatives to achieve volume control or with other non-infiltration practices capable of achieving the MIDS FTOs.

Ashford Residence—INFORM

An application for project review was received on February 7th, 2023 for proposed residential reconstruction and flood proofing at 850 Quixote Ave N in Lakeland. The proposed project creates or fully reconstructs more than 500 sf of impervious surfaces and is within the St. Croix Riverway. Plans and materials received were incomplete and did not demonstrate compliance with MSCWMO performance goals. The MSCWMO staff recommends that applicant revise and resubmit.

Oak Park Parking Lot—INFORM

An application for project review was received on January 27th, 2023 for proposed parking lot improvements for the Oak Park Building at 6355 Osman Ave N in Stillwater. The proposed project creates approximately 75,000 sf of new/reconstructed impervious surfaces. The proposed project is within a high vulnerability DWSMA, however, it is outside of the ERA therefore infiltration is not precluded without a higher level of engineering review. The applicant proposed the use of a filtration basin to achieve FTOs, however, the applicant must first demonstrate the site is inappropriate for infiltration and correct the MIDS calculations to address an overestimation of TP removal credit from pretreatment structures. The MSCWMO staff recommends that the applicant revise and resubmit.

Erosion and Sediment Control Inspection Reports

None

Staff Report

Administrator Downing presented the staff report for January and February. Administration items included preparation of the March meeting materials, coordination of grant and permit program, preparation of the 2022 Annual Report, and 2022 year-end reporting and audit preparation.

Year end reporting for the Lily Lake Basin project (CWF Grant C20-6055) has been completed, EOR has been contracted to design and install interpretive signage. Draft signage was presented earlier in the meeting.

Work for Phase II of the Lake St. Croix Small Communities Phosphorus Reduction Grant has begun: tree removal has commenced to prepare the site for rip rap placement in the spring. Lake St. Croix Beach has awarded the construction contract to Max Todo Marine Services for additional bluff toe stabilization (100 lf) north of the 2021 project area and utilization of the remaining Phase II funds.

WCD Water monitoring is working on their 2022 Water Monitoring Summary and equipment is being prepared for the 2023 season. BMP Maintenance is planning for the season and is expected to begin field work in April.

1W1P Updates

Manager Runk continues to attend 1W1P meetings on behalf of the MSCWMO Board. He states Sunrise River WMO withdrew from 1W1P due to legal concerns. Next meeting is at the end of April.

Other

Memo for Burn Quote

In spring 2022 the MSCWMO contracted with Minnesota Native Landscapes to conduct a prescribed burn at the Stillwater Country Club filtration basin for ongoing maintenance of warm-season prairie vegetation. The Rx burn was not performed due to weather and schedule delays.

The WMO submitted an RFQ to several qualified contractors in spring 2023 to burn the Stillwater Country Club basin along with two additional restoration sites located in Lake St. Croix Beach. The WMO received one reply from Prairie Restoration Inc., with estimated costs being:

Stillwater Country Club (Spring 2023) – Total Estimate: \$920.00

Lake St. Croix Beach Buffer (Spring 2023) – Total Estimate: \$945.00

Lake St. Croix Beach Basin (Spring 2024) – Total Estimate: \$1,185.00

The WMO will request reimbursement from the City of Lake St. Croix Beach for the buffer work after completion.

Manager Runk motioned to approve Administrator Downing to proceed with and execute the contract with Prairie Restorations Inc., for prescribed burn plans as presented. Manager Collins seconded the motion. The motion carried on a roll call vote with all in favor.

Adjourn

Manager Runk motioned to adjourn the meeting, Manager Zeller seconded the motion. The meeting adjourned at 7:05.