

MIDDLE ST. CROIX WATERSHED MANAGEMENT ORGANIZATION

455 HAYWARD AVENUE, OAKDALE, MINNESOTA 55082
Phone 651.330.8220 x22 fax 651.330.7747 www.mscwmo.org



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

1. Call to Order – 6:00PM
 - a. Approval of Agenda
2. Approval of Minutes
 - a. Draft minutes – October 6th, 2022 **pg. 1-7**
3. Treasurer’s Report
 - a. Report of savings account, assets for November 10th, 2022
 - b. Approve payment of bills for November 10th, 2022
4. Public Comment
5. Old Business
 - a. Future Meeting Format **pg. 8-9**
6. New Business
 - a. 2023 Review Fees **pg. 10**
 - b. Request for Professional Services **pg. 11**
 - c. Lily Lake Basin Final Payment Request **pg. 12**
 - d. Lily Lake Delisting Signage Scope **pg. 13-15**
 - e. 2023 Insurance Renewal **pg. 16**
 - f. 2022 Inspections and Maintenance Summary
 - g. 2023 Technical Services Agreement **pg. 17-24**
7. Grant and Cost Share Applications
 - a. Goeltl Turf to Prairie **pg. 25**
 - b. Townsend Native Planting **pg. 26**
8. Plan Reviews/Submittals
 - a. Plan Review and Submittal Summary **pg. 27-35**
 - i. St. Croix Prep Trail **-ACTION**
 - ii. Hinderaker Garage **-INFORM**
 - iii. Baylon Boathouse **-INFORM**
 - b. Erosion and Sediment Control Inspection Reports
9. Staff Report **pg. 36-38**
10. 1W1P Updates

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- 11. Other
- 12. Adjourn

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.



MEMORANDUM

TO: Middle St. Croix WMO Board of Managers
FROM: Matt Downing, Administrator
DATE: October 14th, 2022

RE: 5a.) Future Meeting Format/Open Meeting Law Compliance

At the October 6th meeting, the Board directed staff to seek legal guidance regarding potential remote/hybrid meetings in the future. A summary of the information from our attorney is as follows:

CRITERIA

Electronic participation in a meeting by a member is only possible if all of the following criteria can be satisfied with respect to the particular meeting:

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.

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455 Hayward Avenue, Oakdale, MN 55128
 Phone 651.330.8220 x22 fax 651.330.7747 www.mscwmo.org



MSCWMO REVIEW FEES

The amount of the review fee is reviewed and revised by the MSCWMO Board of Managers on an annual basis or otherwise as warranted. An application is not deemed complete until the required fee has been submitted. Any costs incurred by the MSCWMO greater than the permit fee will be billed to the applicant. Projects not meeting applicable performance standards will require submittal of a new application and fee for re-review.

SINGLE LOT RESIDENCE REVIEW FEE: \$350

ALL OTHER DEVELOPMENT REVIEWS BY FEE SCALE

Total review fee = new or reconstructed impervious surface fee + land disturbance fee.

Standard 5.1 Water Quantity and Quality:		
Less than one acre of new or reconstructed impervious	\$400	_____
1-5 acres of new or reconstructed impervious	\$600	_____
5-20 acres of new or reconstructed impervious	\$1,500	_____
20 acres or more of new or reconstructed impervious	\$3,000	_____
Standard 5.2 Erosion and Sediment Control		
10,000 sqft-1 acre of land disturbance	\$350	_____
1 acre-5 acres of land disturbance	\$500	_____
5 acres-20 acres of land disturbance	\$750	_____
20 acres or more of land disturbance	\$1,500	_____
Total Review Fee		_____

Government entities are exempt from review fees

Projects not meeting applicable performance standards will require submittal of a new application and fee for re-review.

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MEMORANDUM

TO: Middle St. Croix WMO Board of Managers
FROM: Matt Downing, Administrator
DATE: October 26th, 2020

RE: 7e.) 2021-2022 Engineering and Legal Services Request

The MSCWMO is required to solicit for legal and engineering services every two years. Our current legal provider is Kennedy and Graven and our 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.

Staff is seeking board input on advertising the RFP.

Discussion Item

Project Name | Lily Lake Infiltration Basin **Date** | October 7, 2022

To | Middle St. Croix Watershed Management Organization

Cc | Matt Downing, MSCWMO Administrator

From | Kyle Crawford, PE, Project Engineer
Jay Michels, EOR Project Manager

Regarding | Final Payment and Project Closeout

The purpose of this memorandum is to recommend final payment and closeout for the Lily Lake Infiltration Basin project.

Construction

As the project is complete, the Contractor has submitted this payment application for review, as well as all documents and forms necessary for final payment, and has requested project acceptance and closeout. The final inspection has been completed, and all work items are found to be in accordance with the contract documents.

Budget Update

EOR has reviewed the attached payment application from Miller Excavating for work completed, and is recommending payment for all bid items, including retainage, as submitted on the payment application.

Summary of Payment

Original Contract Amount	\$248,793.58
Change Order 01	\$(4,760.62)
Final Construction Cost	\$244,032.96

Work Completed to Date, Final Contract Amount	\$244,032.96
Work Completed to Date, Less Retainage to Date	\$242,022.14
Total Amount Previously Certified	\$242,022.14
Payment Request this Application (Retainage)	\$2,010.82

Recommendation of Payment

We are recommending payment of **\$2,010.82** to Miller Excavating as part of final closeout procedures.

Project Name	Educational/Interpretive Signage	Date	10/25/2021
To / Contact info	Middle St. Croix WMO Board of Managers		
Cc / Contact info	Matt Downing, Administrator		
From / Contact info	Britta Hansen, PLA		
Regarding	Sign Design & Procurement Scope: Lily Lake Basin		

Background

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.

See following pages for similar type signs that EOR has designed and installed for Brown’s Creek Watershed District and Mississippi WMO.

Below is a scope of services for designing, procuring, and installing an educational/interpretive sign for Lily Lake Park:

Lily Lake Basin Sign Scope

Task	Description	Hours	Cost
1. Sign Design	Design 24”x36” Educational Sign with diagram, photographs, and text (as appropriate)	20	\$2,340
2. Sign Revisions	Make revisions to sign design based on MSCWMO board and staff feedback	6	\$702
3. Sign Preparation	Prepare sign files for production and create sign location map for installation	4	\$468
4. Sign Production	Procure and Install 24”x36” angle-mount sign		\$1,427
Total:		40	\$4,937

Requested Action

1. Consider approval of this scope of services for an estimated cost of \$4,937. Design work to be completed winter 2022/23. Sign installation to take place in spring 2023.

Example Signs



Figure 1. Brown's Creek Watershed District sign for Oak Glen Golf Course

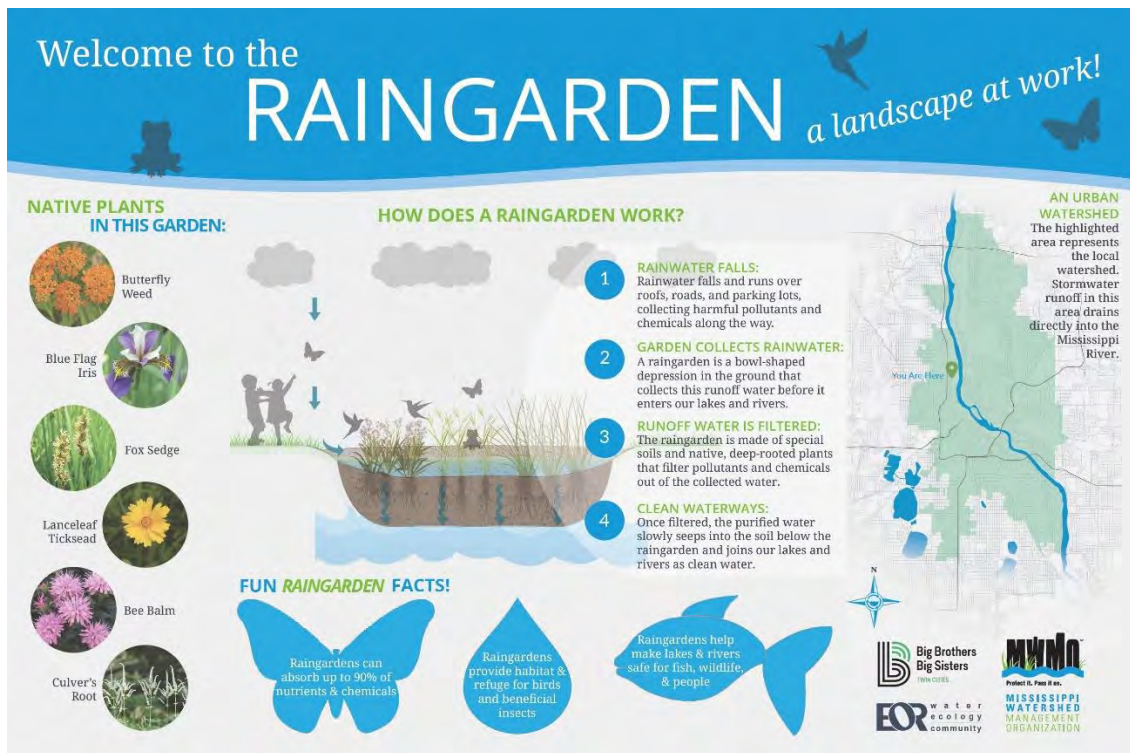


Figure 2. Rain Garden sign for Mississippi WMO



Figure 3. 24"x36" angle mount sign installed at Brown's Creek Park in Stillwater

Covenant Number:
CMC_1000889-6

Previous Covenant Number:
CMC_1000889-5

COMMON COVERAGE DECLARATIONS
Coverage is Provided by:
THE LEAGUE OF MINNESOTA CITIES
INSURANCE TRUST
(Herein called LMCIT)



Item 1. **CITY and MAILING ADDRESS**
MIDDLE ST. CROIX RIVER WATERSHED MANAGEMENT ORGANIZATION

455 HAYWARD AVE
OAKDALE, MN 55128-5374

Item 2. **COVERAGE PERIOD:**
From: 02/01/2022 **To:** 02/01/2023 **12:01 AM Standard Time at Mailing Address on Common Coverage Declarations**

Item 3. **THE COVERED PARTY IS:** JOINT POWERS ENTITY

Item 4. **COVERAGE PARTS:**

IN RETURN FOR THE PAYMENT OF THE PREMIUM, AND SUBJECT TO ALL THE TERMS OF THIS COVENANT, LMCIT AGREES TO PROVIDE THE COVERED PARTY WITH COVERAGES SHOWN BELOW FOR WHICH A PREMIUM CHARGE IS STATED:

PROPERTY, CRIME, BOND, and PETROFUND	Premium
Property	<u>NOT COVERED</u>
Additional Covered Loss or Damages	<u>INCLUDED</u>
Water and Supplemental Flood Coverage	<u>INCLUDED</u>
Crime	<u>INCLUDED</u>
Bond	<u>NOT COVERED</u>
Petrofund	<u>INCLUDED</u>
FIRST PARTY CYBER	<u>\$ 485</u>
EQUIPMENT BREAKDOWN	<u>NOT COVERED</u>
MUNICIPAL LIABILITY	<u>\$ 2,200</u>
Medical and Related Expense	<u>INCLUDED</u>
AUTOMOBILE LIABILITY	<u>\$ 79</u>
AUTOMOBILE PHYSICAL DAMAGE	<u>INCLUDED</u>
TOTAL	<u>\$ 2,764</u>

Item 5. **GENERAL ANNUAL AGGREGATE DEDUCTIBLE:** DOES NOT APPLY

Item 6. **PREMIUM IS DUE AND PAYABLE:** 1-Pay (100% down, no Service Fees)

Item 7. **FORMS APPLICABLE TO ALL COVERAGE PARTS:**
CCM(11/16) ME091(11/17)

Item 8. **DECLARATIONS APPLICABLE:**
DEC-011(11/21) DEC-012(11/21) DEC-013(11/19) DEC-016(11/15)

**2023 SERVICE AGREEMENT
BETWEEN
WASHINGTON CONSERVATION DISTRICT
AND MIDDLE ST. CROIX WATERSHED MANAGEMENT ORGANIZATION**

A. PARTIES

This Agreement is made and entered into by Washington Conservation District, (WCD), and the Middle St. Croix Watershed Management Organization (MSCWMO).

B. PURPOSE

WHEREAS, the MSCWMO has requested assistance from the WCD to implement the policies specified in MINN. STAT. §§ 103A.206 and 103D.201; and

WHEREAS, the WCD is authorized to enter agreements to provide such assistance pursuant to MINN. STAT. §§ 103C.331, SUBD. 3 and 7 and 103D.335, subd. 21.

NOW, THEREFORE, the parties agree as follows:

C. TERM OF CONTRACT

The term of this agreement shall be from January 1, 2023 to December 31, 2023 unless extended or terminated earlier as provided herein.

D. SCOPE OF SERVICES

The WCD will perform all services and furnish and deliver work products generally described the attached Exhibits.

E. COST

In full consideration for services under this agreement, the WCD shall charge the MSCWMO for its services at the rate set forth in Section F. Costs for services for activities detailed in the attached Exhibits include:

- Exhibit A: Administrative Services - \$33,890.00
- Exhibit B: Technical Services - \$65,398
- Exhibit C: Water Monitoring Services - \$21,976.00

TOTAL: \$121,264.00

Any additional costs for special studies or capital projects must be set forth in a written amendment to this Agreement.

F. BILLING RATE AND PAYMENTS

1. Services in Exhibit A, B and Task 5 in Exhibit C are billed on an hourly basis at the rate of \$32.00 - \$92.00 per hour, based on personnel and task. Invoices for Exhibits A and B will be sent on a monthly basis and will list specifically the work performed.

AIS Watercraft Inspectors	\$32
Seasonal	\$42
Technician 1/2	\$62
Technician 3	\$66
Specialist 1	\$70

Specialist 2	\$76
Specialist 3	\$82
Manager/Administrator/Engineer	\$92

Services for BWSR grants will be billed per the BWSR calculator. Tasks 1-4 in Exhibit C are billed on a lump sum basis for services and project expenses. Invoices in Exhibit C will be sent on a quarterly basis.

2. Project expenses will be billed as they are accrued.
3. Invoices are payable by the MSCWMO within 60 days.
4. Office supplies, normal office reproduction expenses, and transportation are included in the hourly rate. Other expenses are to be reimbursed at actual cost.

G. EQUAL EMPLOYMENT OPPORTUNITY- CIVIL RIGHTS

During the performance of this Agreement, the WCD agrees to the following:

No person shall, on the grounds of race, color, religion, age, sex, disability, marital status, public assistance, criminal record, creed or national origin, be excluded from full employment rights in, be denied the benefits of, or be otherwise subjected to discrimination under any program, service, or activity under the provisions of and all applicable federal and state laws against discrimination including the Civil Rights Act of 1964.

H. STANDARDS

The WCD shall comply with all applicable Federal and State statutes and regulations as well as local ordinances now in effect or hereafter adopted. Failure to meet the requirements of the above may be cause for cancellation of this contract effective the date of receipt of the Notice of Cancellation.

I. DATA PRIVACY

All data collected, created, received, maintained, or disseminated, or used for any purpose in the course of the WCD's performance of the Agreement is governed by the Minnesota Government Data Practices Act, Minnesota 1984, Section 13.01, et seq. Or any other applicable state statutes and state rules adopted to implement the Act, as well as state statutes and federal regulations on data privacy. The WCD agrees to abide by these statutes, rules and regulations and as they may be amended.

J. AUDITS, REPORTS, AND MONITORING PROCEDURES

The WCD will:

1. Maintain records that reflect all revenues, cost incurred and services provided in the performance of the Agreement.
2. Agree that the County, the State Auditor, or legislative authority, or any of their duly authorized representatives at any time during normal business hours, and as often as they may deem reasonably necessary, shall have access to the rights to examine audit, excerpt, and transcribe any books, documents, papers, records, etc., and accounting procedures and practices of the WCD which are relevant to the contract.

K. INDEMNITY

The WCD and the MSCWMO mutually agree, to the fullest extent permitted by law, to indemnify and hold each other harmless for any and all damages, liability or cost (including reasonable attorneys' fees and costs of defense) arising from their own negligent acts, errors or omissions in the performance of their services under this agreement, to the extent each party is responsible for such damages and losses on a comparative basis of fault. Parties agree to provide proof of contractual liability insurance upon request. This paragraph does not diminish, with respect to any third party, any defense, immunity or liability limit that the WCD or the MSCWMO may enjoy under law.

L. INDEPENDENT CONTRACTOR

It is agreed that nothing herein contained is intended or should be construed in any manner as creating or establishing the relationship of co-partners between the parties hereto or as constituting the WCD as the agent, representative, or employee of MSCWMO for any purpose or in any manner whatsoever. The WCD is to be and shall remain an independent contractor with respect to all services performed under this Agreement.

The WCD represents that it has, or will secure at its own expense, all personnel required in performing services under this Agreement. Any and all personnel of the WCD or other person, while engaged in the performance of any work or services required by the WCD under this Agreement, shall have no contractual relationship with the MSCWMO and shall not be considered employees of the MSCWMO.

M. MODIFICATIONS

Any material alteration or variation shall be reduced to writing as an amendment and signed by the parties. Any alteration, modification, or variation deemed not to be material by written agreement of the WCD and the MSCWMO shall not require written approval.

N. MERGER

It is understood and agreed that the entire agreement of the parties is contained here, except as modified during the term of the Agreement by a writing under Paragraph M above concerning a non-material change, and that this contract supersedes oral agreements and negotiations between the parties relating to this subject matter. All items referred to in this contract are incorporated or attached and deemed to be part of the contract.

O. TERMINATION

Either the WCD or the MSCWMO may terminate this Agreement with or without cause by giving the other party thirty (30) days written notice prior to the effective date of such termination. If the MSCWMO terminates this Agreement, it may specify work to be performed by the WCD before termination is effective and shall pay the WCD for services performed by the WCD up to the time specified for termination. If the WCD terminates the Agreement, it will not be compensated for part completion of a task except to the extent part completion has value to the MSCWMO.

P. OWNERSHIP OF DOCUMENTS AND INTELLECTUAL PROPERTY

All property of the MSCWMO used, acquired or created in the performance of work under this Agreement, including documents and records of any kind, shall remain the property of the MSCWMO. The MSCWMO shall have the sole right to use, sell, license, publish, or otherwise disseminate any product developed in whole or in part during the performance of work under this Agreement.

**2023 SERVICE AGREEMENT
BETWEEN
WASHINGTON CONSERVATION DISTRICT
AND MIDDLE ST. CROIX WATERSHED MANAGEMENT ORGANIZATION**

IN TESTIMONY WHEREOF the parties have duly executed this agreement by their duly authorized officers.

APPROVED:

MSCWMO

WCD

BY: _____
Board Chair Date

BY: _____
Board Chair Date

BY: _____
Secretary Date

BY: _____
WCD Manager Date

Approval as to form and execution:

Date

EXHIBIT A

2023 MSCWMO ADMINISTRATIVE SERVICES AGREEMENT

At the request of the MSCWMO the WCD shall furnish the following services under the terms of the AGREEMENT.

TASK 1. Administrative Services

The WCD will provide administrative services to the MSCWMO. A WCD staff member shall serve as the Administrator of the MSCWMO. This staff member will be appointed by the WCD. The Administrator shall act on behalf of the Board of Managers to implement MSCWMO policies and actions. Administrative services will include: agenda and board packet preparation and distribution; receiving and sending official MSCWMO correspondence; submitting official notices for publication; coordination of meetings for the board, committees and other groups as necessary; maintaining the MSCWMO website; maintaining the MSCWMO files (except for projects conducted by the Watershed's Engineer or confidential legal records); directing activities between the MSCWMO, Engineer, Attorney, Recording Secretary, Local and State Units of Government and the public; acting as the primary and first response to inquiries from the public as to programs, projects and written policies or rules and other questions on MSCWMO issues, and other administrative duties as assigned by the MSCWMO Board.

Subtotal for Task 1: \$31,160

TASK 2. Bookkeeping

The WCD will provide bookkeeping services to the MSCWMO. These services include: administration of accounts receivable and accounts payable including check generation, preparation of invoices for disbursement, and monthly bank reconciliation; coordination of annual audit and preparation of items necessary for audit; preparation of monthly reporting to the Board; preparation of budgets; and coordination of cash investment activities. The MSCWMO Board will direct any changes to accounts or investments.

Subtotal for Task 2: \$1,550

TASK 3. Meeting Minutes

The WCD will provide note taking services for all regularly scheduled MSCWMO Board meetings. These services will include a WCD staff member being present at MSCWMO meetings for note taking, and the compilation and presentation of meeting minutes to the board for approval prior to posting as public record.

Subtotal for Task 3: \$1,180

BUDGET FOR 2020 = \$33,890.00

EXHIBIT B

2022 MSCWMO TECHNICAL SERVICES AGREEMENT

At the request of the MSCWMO the WCD shall furnish the following services under the terms of the AGREEMENT.

TASK 1. Review of Development Plans and Erosion Control Monitoring

The WCD will provide review and comment on development plans on behalf of the MSCWMO. Comments and recommendations for erosion and sediment control, grading, drainage, and wetland protection will be made. Follow-up development site inspections will be performed if deemed appropriate and coordinated with the member communities. Plan Review Fees will offset the cost of this program to the greatest extent possible.

Subtotal for Task 1: \$28,190 (\$8,190 budget, \$20,000 fee)

TASK 2. Best Management Practices (BMP) Program Administration

The WCD will act as the primary and first response to inquiries from the public regarding general MSCWMO BMP Program information, program eligibility, and best management practice information. One WCD staff person will be identified as the BMP Program Coordinator. Initial inquiries about general topics and water quality issues, and initial site visits will be responded to as part of the standard WCD programs and not charged under this contact. Specific inquiries regarding MSCWMO cost share, development of site concepts and designs, implementation assistance, receiving and sending official MSCWMO correspondence related to the Program, maintaining the Program files, administering cost-share documents needed as a part of the Program, and follow-up project reviews will be responded to as part of the MSCWMO BMP Program and will be charged as a part of this contract. Overall program coordination, summary reports, and ongoing program evaluation will be provided.

Subtotal for Task 2: \$25,188

TASK 3. Community Outreach and Education

The WCD will use targeted and broad-based outreach techniques to generate interest in and understanding of the MSCWMO. The techniques used will include participation in local fairs, events, and community group meetings as a representative of the MSCWMO. The WCD will provide technical assistance and information to the citizens and communities of the MSCWMO through this program. This task is separate from but coordinated with the East Metro Water Resource Education Program.

Subtotal for Task 3: \$3,000

TASK 4. Clean Water Grant Fund Administration and Implementation

The WCD will successfully carryout the work plan items identified in the Clean Water Fund Grant: Lake St. Croix Direct South Phase 2. The WCD will administer and implement the grants in cooperation with member community staff and in compliance with Board of Water and Soil Resource documentation and reporting requirements.

Subtotal for Task 4: \$5,000

TASK 5. Establishment Period Maintenance of Grant Funded Projects

The WCD will carry out maintenance and outreach activities during the establishment period of two years for targeted stormwater best management practices designed and installed as part of the cooperative retrofit program.

Subtotal for Task 5: \$4,020

BUDGET FOR 2022 = \$65,398

EXHIBIT C

2022 MSCWMO WATER MONITORING SERVICES AGREEMENT

TASK 1. Lake Monitoring Services

The WCD will monitor McKusick Lake and Lily Lake 14 times per year, April through October. Surface water quality samples are collected and analyzed for total phosphorus, chlorophyll-a, and total Kjeldahl nitrogen. Other measurements include Secchi disk transparency, dissolved oxygen and temperature profiles, and lake level. The fee includes labor, lab costs, all equipment, vehicles, canoe, ice, storage, etc. that is required to conduct the monitoring.

TASK 2. Brick Pond Flow and Water Quality Monitoring

The WCD will install flow monitoring equipment the outfall of Brick Pond to Lily Lake. Water quality samples will be collected and analyzed for total phosphorus and total suspended solids.

TASK 3. Perro Creek Flow and Water Quality Monitoring

The WCD will install a fully automated monitoring station that collects stage, velocity, and discharge in 15-minute intervals at the Perro Creek outfall to Lake St. Croix. Flow measurements will be collected through the monitoring season, April through October. Monthly base grab samples and storm event composites will be collected to establish water quality and total discharge and loading to Lake St. Croix will be calculated.

TASK 4. Water Monitoring Report

A water monitoring report will be generated that will incorporate current and previous years' data.

Budget for 2023 = \$21,976.00

2023 MSCWMO Water Monitoring Estimate

Lake WQ Monitoring	Type	Labor	Travel Time/Mileage	Lab	Total	Notes
Lily Lake	LWQE1	\$1,943	\$0	\$550	\$2,493	14x/year with WQ sampling + deep lake for DO
McKusick Lake	LWQD1	\$1,099	\$0	\$550	\$1,649	14x/year with WQ sampling
Total Lake WQ Monitoring	N/A	\$3,042	\$0	\$1,100	\$4,142	
Lake Gage Monitoring	Type	Labor	Travel Time/Mileage	Lab	Total	Notes
Brick Pond	LEA1	\$169	\$0	\$0	\$169	Install and/or Survey and/or Remove. Volunteer will read.
Lily Lake	LEA1	\$169	\$0	\$0	\$169	Install and/or Survey and/or Remove. Read during WQ sampling by WCD
McKusick Lake	LEA1	\$169	\$0	\$0	\$169	Install and/or Survey and/or Remove. Read during WQ sampling by WCD
Total Lake Gage Monitoring		\$507	\$0	\$0	\$507	
Lily Lake and Perro Pond Targeted WQ Monitoring	Type	Labor	Travel Time/Mileage	Lab	Total	Notes
Greely Street Inlet to Lily Lake	V	\$5,375	\$690	\$200	\$6,265	Grab samples
Perro Diversion Structure & Overflow	III	\$6,800	\$1,224	\$578	\$8,602	Fully automated station
TOTAL	N/A	\$12,175	\$1,914	\$778	\$14,867	
Report	Type	Labor	Travel Time/Mileage	Lab	Total	Notes
Water Monitoring Report	NA	\$2,460	\$0	\$0	\$2,460	
2023 Total Monitoring Costs		\$18,184	\$1,914	\$1,878	\$21,976	

MIDDLE ST. CROIX WATERSHED MANAGEMENT ORGANIZATION

455 Hayward Avenue N. Oakdale, MN 55128
Phone 651.330.8220 x22 fax 651.330.7747 www.mscwmo.org



MEMORANDUM

TO: Middle St. Croix WMO Board of Managers
FROM: Brett Stolpestad, Landscape Restoration Technician, Washington Conservation District
DATE: November 1st, 2022

RE: Goeltl Turf-to-Prairie reimbursement request
820 Rainbow Ct.,
Stillwater, MN 55082

Project Estimate: \$8,241.00
Actual Expenditure: \$5,156.66
Cost Share Encumbered: \$1,000.00

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.

Requested Board Action:

Motion by Board Member 1, seconded by Board Member 2, motion to approve reimbursement of \$1,000 for the Goeltl Turf-to-Prairie project located at 820 Rainbow Ct., Stillwater, MN 55082.

Location & Photos:



MIDDLE ST. CROIX WATERSHED MANAGEMENT ORGANIZATION

455 Hayward Avenue N. Oakdale, MN 55128
Phone 651.330.8220 x22 fax 651.330.7747 www.mscwmo.org



MEMORANDUM

TO: Middle St. Croix WMO Board of Managers
FROM: Brett Stolpestad, Landscape Restoration Technician, Washington Conservation District
DATE: November 1st, 2022

RE: Townsend Native Planting reimbursement request
16810 25th St. S.
St. Mary's Point, MN 55043

Project Estimate: \$1,296.00
Actual Expenditure: \$263.75
Cost Share Encumbered: \$250.00

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.

Requested Board Action:

Motion by Board Member 1, seconded by Board Member 2, motion to approve reimbursement of \$250 for the Townsend Native Planting project located at 16810 25th St. S., St. Mary's Point, MN 55043.

Location & Photos:





MEMORANDUM

TO: Matt Downing, Administrator
FROM: Rebecca Nestingen, PE
DATE: November 4, 2022

RE: 8a) Plan Reviews/Submittals

The following is a summary of recent activity on projects submittals which qualify for plan review under the MSCWMO 2015 Watershed Management Plan (WMP):

- **St. Croix Prep Trail.** 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, October 20th, and November 2nd, 2022. The revised submittals provided sufficient information to determine compliance with applicable Performance Standards. *MSCWMO staff recommendations approval with two conditions.*
- **Hinderaker Garage Construction.** 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.** 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.

MIDDLE ST. CROIX WATERSHED MANAGEMENT ORGANIZATION

455 HAYWARD AVENUE OAKDALE, MINNESOTA 55128
Phone 651.330.8220 x22 fax 651.330.7747 www.mscwmo.org



November 4, 2022

Nancy Healey
Baytown Township
4020 McDonald Dr.
Stillwater, MN 55082

RE: St. Croix Prep Nature Trail

Dear Ms. Healey,

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.

The enclosed checklist contains detailed information on project review qualifications and policies and performance standards of the WMP. MSCWMO review process information can be downloaded from www.mscwmo.org. This recommended conditional approval is based on the technical review of MSCWMO performance standards and does not constitute approval by Baytown Township. Please contact me at 651-330-8220 x22 or mdowning@mnwcd.org if you have any questions regarding these comments.

Sincerely,

A handwritten signature in black ink, appearing to read "Matt Downing".

Matt Downing
MSCWMO Administrator



PROJECT REVIEW

MSCWMO Review ID: 22-013

Project Name: Nature Trail Construction

Applicant: Eric Meyer | Larson Engineering

Purpose: Construction of trails around the school property for student and teacher use

Location: 4260 Stagecoach Trail North, Stillwater

Review Date: 11/4/2022

Recommendation: Approve with two conditions:

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

Applicability:

- Any project undertaking grading, filling, or other land alteration activities which involve movement of 100 cubic yards of earth or removal of vegetation on greater than 10,000 square feet of land.
- Any project that creates or fully reconstruct 6,000 square feet or more of impervious surface.
- All major subdivisions or minor subdivisions that are part of a common plan of development. Major subdivisions are defined as subdivisions with 4 or more lots.
- Any project with wetland impacts, grading within public waters, grading within buffers or within 40-feet of the bluff line.
- Development projects that impact 2 or more of the member communities.
- New or redevelopment projects within the St. Croix Riverway that require a building permit that add 500 square feet of additional impervious surface.
- Any project requiring a variance from the current local impervious surface zoning requirements for the property.
- Any land development activity, regardless of size, that the City determines is likely to cause an adverse impact to an environmentally sensitive area or other property, or may violate any other erosion and sediment control standard set by the member community.

Submittal Items:

- A completed and signed project review application form and review fee.
- Grading Plan/Mapping Exhibits:
 - Property lines and delineation of lands under ownership of the applicant.

Delineation of existing on-site wetlands, shoreland and/or floodplain areas (including any buffers).

NA Ordinary High Water (OHW) elevations and datum, as determined by the MDNR (if applicable).

Existing and proposed site contour elevations related to NAVD 1988 datum (preferred) or NGVD, 1929. Datum must be noted on exhibits.

Drainage easements covering land adjacent to ponding areas, wetlands, and waterways up to their 100-year flood levels and covering all ditches and storm sewers. Access easements to these drainage easements and to other stormwater management facilities shall also be shown. (Not required for sites within public right-of-way)

NA Minimum building elevation for each lot.

Identification of downstream water body.

Delineation of the subwatersheds contributing runoff from off-site, proposed and existing on-site subwatersheds, and flow directions/patterns.

Location, alignment, and elevation of proposed and existing stormwater facilities.

Existing and proposed normal water elevations and the critical (the highest) water level produced from the 100-year 24-hour storms.

Location of the 100-year flood elevation, natural overflow elevation, and lowest floor elevations.

A Stormwater Pollution Prevention Plan in compliance with the requirements of the NPDES SDS Construction Stormwater Permit.

Permanent Stormwater Management System in compliance with the requirements of the NPDES SDS Construction Stormwater Permit and MSCWMO Performance Standards

Impervious areas (Pre- and Post-Construction).

Construction plans and specifications for all proposed stormwater management facilities.

NA Location(s) of past, current or future onsite well and septic systems (if applicable).

Other exhibits required to show conformance to these Performance Standards.

Hydrologic/Hydraulic Design Exhibits:

All hydrologic and hydraulic computations completed to design the proposed stormwater management facilities shall be submitted. Model summaries must be submitted. The summaries shall include a map that corresponds to the drainage areas in the model and all other information used to develop the model.

A table (or tables) must be submitted showing the following:

A listing of all points where runoff leaves the site and the existing and proposed stormwater runoff rates and volumes.

A listing of the normal water levels under existing and proposed conditions and the water levels produced from the storm and runoff events listed above for all on-site wetlands, ponds, depressions, lakes, streams, and creeks.

A proposed maintenance agreement, which may be in the format of Appendix K, or other form approved by the city.

Special or Impaired Water:

- This site drains to, and is within one mile of special or impaired water and complies with the following enhanced protections:
 - Stabilization initiated immediately and all soils protected in seven days/provide temp basin for five acres draining to common location.
 - Treat water quality volume of one inch of runoff by retaining on site unless not feasible due to site conditions
 - Maintain buffer zone of 100 linear feet from Special Water.

STORMWATER MANAGEMENT PERFORMANCE STANDARDS

- Water quality treatment is provided prior to direct discharge of stormwater to wetlands and all other water bodies.

Rate and Flood Control Standards

- The peak rate of stormwater runoff from a newly developed or redeveloped site shall not exceed the 2-, 10-, and 100-year 24-hour storms with respective 2.8, 4.2, and 7.3-inch rainfall depths with MSCWMO approved time distribution based on Atlas 14 for existing and proposed conditions. The runoff curve number for existing agriculture areas shall be less than or equal to the developed condition curve number. The newly developed or redeveloped peak rate shall not exceed the existing peak rate of runoff for all critical duration events, up to and including the 100-year return frequency storm event for all points where discharges leave a site during all phases of development.
- Predevelopment conditions assume “good hydrologic conditions” for appropriate land covers as identified in TR-55 or an equivalent methodology. Runoff curve numbers have been increased where predevelopment land cover is cropland:

Hydrologic Soil Group A	Runoff Curve Number 56
Hydrologic Soil Group B	Runoff Curve Number 70
Hydrologic Soil Group C	Runoff Curve Number 79
Hydrologic Soil Group D	Runoff Curve Number 83

- Computer modeling analyses includes secondary overflows for events exceeding the storm sewer systems level-of-service up through the critical 100-year event.

NA In sub-areas of a landlocked watershed, the proposed project does not increase the predevelopment volume or rate of discharge from the sub-area for the 10-year return period event.

- Flowage easements up to the 100-yr flood level have been secured for stormwater management facilities (such as ditches and storm sewers).
- Lowest floor elevations of structures built adjacent to stormwater management features and other water bodies are a minimum of two feet above the 100-year flood elevation and a minimum of two feet above the natural overflow of landlocked basins.

Volume Control Standards

- Calculations/computer model results indicate stormwater volume is controlled for new development and redevelopment requirements per the MSCWMO Design Standards.

Volume Retention Required (cu. ft.)	Volume Retention Provided (cu. ft.)						
$154576 \text{ sq. ft.} \times \frac{1.1 \text{ in}}{12 \text{ in/ft}} = 14170 \text{ cu. ft.}$ Required from original project in 2008 26,500	<table border="0"> <tr> <td>BMP</td> <td>Volume</td> </tr> <tr> <td>BMP #1</td> <td>41120 cu. ft.</td> </tr> <tr> <td>BMP #2</td> <td>X,XXX cu. ft.</td> </tr> </table>	BMP	Volume	BMP #1	41120 cu. ft.	BMP #2	X,XXX cu. ft.
BMP	Volume						
BMP #1	41120 cu. ft.						
BMP #2	X,XXX cu. ft.						
Total Required Volume Retention = 40,670 cu. ft.	Total Provided Volume Retention = 41,120 cu. ft.						

Flexible Treatment Options (when applicable)

- NA Applicant demonstrated qualifying restrictions as defined in Section 7.2.2 (4) of the 2015 MSCWMO Watershed Management Plan that prohibits the infiltration of the entire required volume.
- NA FTO #1: MIDS calculator submission removes 75% of the annual total phosphorous.
- NA FTO #2: MIDS calculator submission removes 60% of the annual total phosphorous.
- NA FTO #3: Offsite mitigation equivalent to the volume reduction standard is provided.

Infiltration/Filtration Design Standards

- Proposed stormwater management features meet or exceed NPDES General Construction Permit requirements are designed in conformance with the most recent edition of the State of Minnesota Stormwater Manual.
- None of the following conditions exist that prohibit infiltration of stormwater on the site
 - a. Areas where vehicle fueling and maintenance occur.
 - b. Areas with less than three (3) feet of separation distance from the bottom of the infiltration system to the elevation of the seasonally saturated soils or the top of bedrock.
 - c. Areas where industrial facilities are not authorized to infiltrate industrial stormwater under an National Pollutant Discharge Elimination System (NPDES)/State Disposal System (SDS) Industrial Stormwater Permit issued by the MPCA.
 - d. Areas where contaminants in soil or groundwater will be mobilized by infiltrating stormwater.
 - e. Areas of Hydrologic Soil Group D (clay) soils
 - f. Areas within 1,000 feet up-gradient, or 100 feet down-gradient of active karst features unless allowed by a local unit of government with a current MS4 permit.
- Minimum setbacks from the Minnesota Department of Health for infiltration practices are met

Setback	Minimum Distance (ft.)
Property line	10
Building foundation*	10
Private well	35
Public water supply well	50
Septic system tank/leach field	35

*Minimum with slopes directed away from the building

- Pretreatment devices(s) remove at least 50% of sediment loads. If downstream from a potential hot spot, a skimmer is in place to facilitate cleanup.
- Water quality volume will be discharged through infiltration or filtration media in 48 hours or less.

- For bioretention (biofiltration and bioinfiltration) volume control management facilities above ground with vegetation the period of inundation shall be calculated using the maximum water depth below the surface discharge elevation and the soil infiltration rate.
 - For infiltration basin volume control management facilities the period of inundation shall be calculated using the maximum water depth below the surface discharge elevation and the soil infiltration rate.
 - Appropriate soil borings have been conducted that meet the minimum standards.
 - a. A minimum of one boring was conducted at the location of the infiltration facility for facilities up to 1,000 ft²; between 1,000 and 5,000 ft², two borings; between 5,000 and 10,000 ft², three borings; and greater than 10,000 ft², 4 borings plus an additional boring for every 2,500 ft² beyond 12,500 ft².
 - b. Soil borings extend a minimum of five feet below the bottom of the infiltration practice. If fractured bedrock is suspected, the soil boring goes to a depth of at least ten feet below the proposed bottom of the volume control facility.
 - c. A minimum of three feet of separation to the seasonal water table and/or bedrock.
 - d. Identify unified soil classification.
 - The least permeable soils horizon identified in the soil boring dictated the infiltration rate.
 - Additional flows are bypassed and are routed through stabilized discharge points.
- NA Filtration basin demonstrates a basin draw down between 24 hours and 48 hours.
- NA Filtration system Iron Enhanced Sand Filter is sized to bind soluble phosphorous removal for 30 year functional life of the system using the published value of 17lbs.phosphorous removal per 20 yards of 5% by weight iron filings to 95% sand.
- Identify as build survey and method to demonstrate infiltration or filtration basin is functioning.
 - Construction plans provide adequate construction guidance to prevent clogging or compaction and demonstrate performance.
 - a. Excavation within 2.0 feet of final grade for infiltration/filtration systems is prohibited until contributing drainage areas are constructed and fully stabilized.
 - b. Rigorous sediment and erosion controls planned to divert runoff away from the system.
 - c. Installation of volume control facilities must occur in dry soil conditions. Excavation, soil placement and rapid stabilization of perimeter slopes must be accomplished prior to the next precipitation event.
 - d. Excavation shall be performed by an excavator with a toothed bucket. Use excavator bucket to place materials. Construction equipment shall not be allowed into the basin.
 - e. Prior to the release of any remaining fee or security, the permit holder must provide documentation that constructed volume control facilities perform as designed.
 - There is a way to visually verify the system is operating as designed.
 - A minimum 8.0' maintenance access is provided to all stormwater facilities.

EROSION AND SEDIMENT CONTROL PERFORMANCE STANDARDS

- A Stormwater Pollution Prevention Plan (SWPPP) that meets the National Pollutant Discharge Elimination System (NPDES) requirements.

Narrative

- Identify the person knowledgeable and experienced who will oversee the implementation of the SWPPP; the installation, inspection, and maintenance of the BMPs.
 - a. Identifies the person who will oversee the BMP inspection and maintenance.
 - b. Identify the training requirements are satisfied.
 - c. Inspections performed once every 7 days.
 - d. Inspections performed within 24 hours of a rain event greater than 0.5 in/24 hours.
 - e. Inspection and Maintenance records include:
 - i. Date and time of inspection.
 - ii. Name of person(s) conducting inspections.
 - iii. Finding of inspections, including the specific location where corrective actions are needed.
 - iv. Corrective actions taken (including dates, times, and party completing maintenance activities).
 - v. Date and amount of rainfall events greater than 0.5 in/24 hours.
 - vi. Rainfall amounts must be obtained by a properly maintained rain gauge installed onsite, or by a weather station that is within one mile or by a weather reporting system.
 - vii. Requirements to observe, describe, and photograph any discharge that may be occurring during the inspection.
 - viii. All discovered nonfunctional BMPs must be repaired, replaced, or supplemented with functional BMPs within 24 hours after discovery, or as soon as field conditions allow.
- Describes procedures to amend the SWPPP and establish additional temporary ESC BMPs as necessary for site conditions.
- Describes the installation timing for all Erosion Sediment Control (ESC) Best Management Practices (BMPs).
- Describes final stabilization methods for all exposed areas.
- Methods used to minimize soil compaction and preserve topsoil must be described.
- NA Describes dewatering technique to prevent nuisance conditions, erosion, or inundation of wetlands.
- Identifies any specific chemicals and the chemical treatment systems that may be used for enhancing the sedimentation process on the site, and how compliance will be achieved with the permit requirements.
- Describes the following pollution prevention management measures:
 - a. Storage, handling, and disposal of construction products, materials, and wastes.
 - b. Fueling and maintenance of equipment or vehicles; spill prevention and response.
 - c. Vehicle and equipment washing.
 - d. No engine degreasing allowed on site.
 - e. Containment of Concrete and other washout waste.
 - f. Portable toilets are positioned so that they are secure.

Plan Sheets

- NA Temporary Sediment Basins required (10 acres draining to common location or 5 acres App. A) and design meets the following criteria:
 - a. Adequately sized – 2-year, 24-hour storm, minimum 1,800 feet/acre; or no calculative minimum 3,600ft³/acre.
 - b. Designed to prevent short circuiting.
 - c. Outlets designed to remove floating debris.
 - d. Outlets designed to allow complete drawdown.
 - e. Outlets designed to withdraw water from the surface

- f. Outlets have energy dissipation.
 - g. Have a stabilized emergency spillway.
 - h. Situated outside of surface waters and any natural buffers.
- Locations and types of all temporary and permanent Erosion Control BMPs.
 - a. Exposed soils have erosion protection/cover initiated immediately and finished within 7 days.
 - b. Wetted perimeters of ditches stabilized within 200 feet of surface water within 24 hours.
 - c. Pipe outlets have energy dissipation within 24 hours of connecting.
 - Locations and types of all temporary and permanent Sediment Control BMPs.
 - a. Sediment control practices established on down gradient perimeters and upgradient of any buffer zones.
 - b. All inlets are protected.
 - c. Stockpiles have sediment control and placed in areas away from surface waters or natural buffers.
 - d. Construction site entrances minimize street tracking?
 - e. Plans minimize soil compaction and, unless infeasible to preserve topsoil.
 - f. Fifty foot natural buffers preserved or (if not feasible) provide redundant sediment controls when a surface water is located within 50 feet of the project's earth disturbances and drains to the surface water.
 - Tabulated quantities of all erosion prevention and sediment control BMPs.
 - Stormwater flow directions and surface water divides for all pre- and post-construction drainage areas.
 - Locations of areas not to be disturbed (buffer zones).
- NA Location of areas where construction will be phased to minimize duration of exposed soil areas.
- NA Blufflines are protected from construction activities in urban (40 foot buffer) areas and rural areas (100-foot buffer).

WETLAND PERFORMANCE STANDARDS

- NA Direct discharge of stormwater to wetlands and all other water bodies without water quality treatment is prohibited.
- NA Any potential changes to the hydrology of the wetland (i.e. changes to the outlet elevation or contributing drainage area) must be reviewed to evaluate the impact of both the existing and proposed wetland conditions and approved by the MSCWMO.
- NA Land-altering activities shall not increase the bounce in water level or duration of inundation from a 2.0-inch 24-hour storm for any downstream wetland beyond the limit specified in Table 7.2 for the individual wetland susceptibility class.

LAKE, STREAM AND WETLAND BUFFER PERFORMANCE STANDARDS

- NA A buffer zone of unmowed natural vegetation is maintained or created upslope of all water bodies (wetlands, streams, lakes).
- NA A 50 foot natural buffer or (if a buffer is infeasible) provide redundant sediment controls when a surface water is located within 50 feet of the project's earth disturbances and stormwater flows to the surface water.
- NA If adjacent to a Special or Impaired Water an undisturbed buffer zone of not less than 100 linear feet from the special water is maintained both during construction and as a permanent feature post construction.



Staff Report- October 2022

Administration

- Prepared November meeting materials
- Coordination of Grant and Permit Program
- Washington County Budget Reporting
- Attended TAC Meetings
- Began 2023 Planning

Project Reviews

- St. Croix Prep Trail-**INFORM**
- Hinderaker Garage-**INFORM**
- Baylon Boathouse-**INFORM**

Lily Lake Phosphorus Reductions for Delisting – CWF Grant C20-6055

Description: Awarded \$513,500 for in-lake alum treatment and filtration basin to remove 120lbs of phosphorus from Lily Lake.

Activities This Month: Conducted establishment maintenance. Completed installation of a fence to protect the pretreatment chamber. Requesting a grant extension to implement the signage scope presented at this meeting.

Staff: Matt Downing-MSCWMO

Lake St. Croix Small Communities Phosphorus Reduction Grant – PHASE II

Description: \$158,000 grant for stormwater quality improvement south of Bayport (2021-2023). Implement practices in the LSCD South SWA area to achieve a load reduction of up to 7lbs of TP/yr.

Activities This Month: Final payment was approved and sent to Minnesota Native Landscapes for completion of the Riviera treatment train project. 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. Tree removal has commenced to prepare the site for rip rap placement.

Staff: Brett Stolpestad - WCD; Matt Downing - MSCWMO

Water Monitoring Program

Description: The MSCWMO water monitoring program includes the monitoring of flow at three sites. These sites have that equipment serves to collect data on the total volume of water flowing into Lily Lake at the Greeley Street Inlet, through Perro Creek at the Diversion Structure, as well as, the Perro Creek Diversion Structure Overflow. Water quality is also collected at the Greeley Street Inlet and the Perro Creek Diversion Structure on a monthly basis, as well as during storm events.

Additionally, the MSCWMO monitors two lakes, Lily and McKusick for several parameters from April-October. Data is collected on both lakes on a biweekly basis and

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includes: water level, clarity, pH, temperature and dissolved oxygen profiles, an aesthetics and user profile, and field conditions. Additionally, water quality samples are collected from the surface of the lakes and analyzed for total phosphorus, total Kjeldahl nitrogen, and chlorophyll.

Activities This Month: Two storm samples and one base sample have been collected at the Greeley St monitoring site. One snowmelt, nine storm, and five base flow samples have been collected at the Perro Diversion site. Thirteen lake water quality samples have been collected on and McKusick Lake and fourteen samples have been collect on Lily Lake. Special sampling occurred in May on Lily Lake before and after the alum treatment. Post treatment Secchi disk transparency measurements continue to show high water clarity. All MSCWMO monitoring equipment has been brought in and stored for the winter season. Equipment maintenance, testing, repair, and cleaning will follow.

Staff: Rebecca Oldenburg, WCD; Aaron DeRusha, WCD

Erosion and Sediment Control Inspections

Description: The MSCWMO has contracted with the WCD to conduct erosion and sediment control inspections for construction projects that have been reviewed and recommended for permit approval by partner communities.

Activities This Month: A fall reminder email to check erosion control measures, specifically soil cover and perimeter control, are in good shape prior to freeze up, and an erosion control supplier list were distributed to all site contacts. 21 erosion control inspections have been conducted to date at 12 sites. Compliance over the year was relatively high, with most projects consistently scoring A and B grades. Further summary of erosion control findings will be available in the next staff report.

Staff: Aaron DeRusha, WCD

BMP Maintenance

Description: The MSCWMO has a maintenance obligation for its Capital Improvement Projects and projects funded by Clean Water Fund grants. The MSCWMO partners with the Washington Conservation District to fulfill this maintenance requirement.

Activities in October:

Watering and fence construction at the Lily Lake Basin. Stillwater Country Club and Lily Lake inlet cleanouts are scheduled for November. Annual BMP inspection follow up activities and maintenance reporting are also planned for November.

Staff: Cameron Blake, WCD

Erosion and Sediment Control Inspection, BMP Project, and Plan Review Database

Description: The MSCWMO has partnered with WCD to develop a new erosion control inspection, BMP project tracking, and project plan review applicant database via ESRI's ArcGIS Online. The database will increase efficiency of erosion control and BMP project reporting, the application process for project plan reviews, and serve as a replacement to the current Mapfeeder software.

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Activities this Month: None.

Staff: Rebecca Nestingen, WCD; Aaron DeRusha, WCD

Small Scale Habitat & Water Quality Enhancement Projects

Description: The MSCWMO has requested Conservation Corps crew time under FY22 Clean Water Funding to support small-scale habitat and water quality enhancement projects in 2022. Projects will include a vegetative buffer enhancement along Perro Creek in Bayport, a 215-foot buffer expansion between Riviera Avenue S and the St. Croix River in Lake St. Croix Beach, and a dune/floodplain enhancement along the St. Croix in St. Mary's Point. The MSCWMO has partnered with WCD to develop proposals for each project.

Activities This Month: Site prep for the LSCB buffer enhancement and Perro Creek buffer expansion is underway. The MSCWMO and WCD will solicit quotes from qualified contractors to burn the buffer enhancement area as a final site preparation measure before seeding and planting in the spring. Plant and seed material will be funded through the WCD Lawns to Legumes Demonstration Neighborhood Grant. Perro Creek buffer enhancement prep underway, and will continue into early spring 2023.

Staff: Brett Stolpestad – WCD

Meetings

- LSCB Bluff Preconstruction – October 12th
- Lakeland Beach Restoration – October 12th
- 681 Quixote Plan Review – October 27th
- County Budget Workshop – November 1st