Managers Present: Kristin Tuenge, Tom Polasik, Wade Johnson, Andy Weaver & Eric Lindberg

Managers Absent: Paul Richert

Others Present: Jim Shaver (Administrator), Susannah Torseth (Galowitz • Olson Law), Carl Almer (EOR), Mike Isensee (WCD); Maureen Hoffman (Washington County Liaison); Cecily Harris; Ted Nesse; John Hanson (Barr Engineering); and Wendy Greene (BHE Renewables)

President Johnson called the meeting to order at 6:33 p.m.

1) a) Approve Agenda as amended
President Johnson moved to approve the agenda as amended. Seconded by Manager Tuenge. Motion carried 5-0.

2) Minutes from October 10, 2018
Manager Tuenge moved to approve the October 10, 2018 minutes as amended. Seconded by President Johnson. Motion carried 5-0.

3) Treasurer’s Report
Manager Tuenge presented the Treasurer’s Report.
President Polasik moved to accept the Treasurer’s Report. Seconded by President Johnson. Motion carried 5-0.

4) Public Comments:
• Introduction of Maureen Hoffman, liaison between Washington County and multiple watershed districts.

5) Presentations and Agenda Items subject to Public Comments:
• Administrator Shaver reported that a significant amount of progress has been made in the last few days. A new infiltration basin has been dredged in the last couple of days.
• The southerly basin is also being dewatered.
• Report that multiple Managers and consultants viewed the site in person in October.
• District gave Argo-Navis a notice of deficiency on the 21st of October. Notice of Deficiency provides 60 days to correct the deficiency. Argo-Navis has responded to the notice. Information was requested for short-term; mid-term; and long-term fixes for the site.
• Requested updates from Wendy Greene regarding the actions that will be taken by Argo Navis to correct the deficiency noted by the District.
• Reviewed email provided by Wendy Greene that contains a 3-part chart of activities and deadlines Argo-Navis intends to take.
Discussion of Agenda Item 7(a)(iii): P17-013 Zavoral (Argo-Navis) Solar Update

- Barr Engineering has been hired by Argo-Navis as a third-party engineer for the situation.
- Manager Tuenge questioned some items in the Permit and Maintenance Agreement:
  1. Was notice provided to Administrator prior to starting construction? Administrator Shaver indicated he did not receive any formal notice prior to construction.
  2. Was the site built according to the plan submitted to and approved by the District? Administrator Shaver stated that the basins were not fully dewatered as indicated by the plans prior to construction.
  3. Has final inspection and return of the surety occurred? Administrator stated final inspection and return of surety has not occurred yet.
  4. Did the District issue a permit after review of Engineer after receipt and review of pending items? Engineer Yes.
  5. What is EOF? Emergency Overflow.
  6. Declaration of Maintenance is annual inspection enough? Administrator Shaver stated this issue will be discussed later in the meeting.
  7. What does “reasonable maintenance and repair” for each facility properly defined? Administrator Shaver stated this issue will be discussed later in the meeting.

- Engineer Almer stated that the overall purpose of a Declaration of Maintenance is intended to be a long-term document that is implemented and followed after a project has been continued and properly installed. It is not intended to govern during a construction phase.
- Engineer Almer stated that because the vegetation has not fully grown-in yet, there is more runoff than planned for during rain events.
- Administrator Shaver and Managers reviewed correspondence from Wendy Greene.
- John Hanson explained that Barr Engineering was hired as the third-party engineering consultant, and what analysis they are conducting to prepare determinations and recommendations.
  - Barr has some preliminary reports and will have concept results by November 28th.
- Attorney Torseth reported to the Managers that Barr Engineering is the engineering firm for Valley Branch Watershed District, which is a District represented by Galowitz Olson, PLLC. Therefore, Attorney Torseth and Engineer Hanson have a regular working relationship through Valley Branch Watershed District. However, there is no conflict of interest with Barr Engineering acting as the consulting engineering firm for this issue.
- Wendy Greene reported to the Managers regarding the past actions and the intended actions of Argo-Navis for the site.
- Manager Weaver asked:
  1. Is the location of where the water is pumping to now a long-term fix?
     - Administrator Shaver believes it will be necessary to see the as-builts
     - Engineer Almer stated that what’s happening now is a result of pumping, which is not a preferred long-term fix. He believes the final stormwater management plan will be closer to what was originally approved.
Discussion of Agenda Item 7(a)(iii): P17-013 Zavoral (Argo-Navis) Solar Update

2. Was the railroad bed was compromised such that additional engineering actions that will need to be taken?
   ▪ Administrator Shaver reported that during the first week after the first water event, additional rip rap was added to the railroad area. However, there has not been any follow-up by the railroad, despite multiple attempts at contact from Administrator Shaver.

• Discussion and clarification that because the project was not completed when overflow occurred, final inspections had not occurred onsite.
• President Johnson commented that his understanding was that scraping and descarification of the site was supposed to occur so that stormwater control would be in place before the majority of constructing the solar garden would occur. He wants to understand what happened and where the failures occurred with this situation so that the District can evaluate whether there need to be changes in permits or oversite of future projects to avoid this type of situation from happening again.
  o Administrator Shaver commented that he and Engineer Almer had thought the site had conformed to the plan and appropriate actions were being taken to handle stormwater.
• Manager Lindberg commented that he wants to see a focus on preparing for Spring floods and rain so that this doesn’t happen again.
  o Engineer Almer agreed with Manager Lindberg and stated that he fully expects this concern will be addressed by the recommendations from Barr Engineering.
• Manager Polasik commented that he saw a good amount of effort by Argo-Navis toward stabilization onsite when he toured the site in October.

6) Project Updates
   a) Marine Stormwater Phase I: Engineer Almer reported that the work has been done that was requested by the District. Resolution is still needed for the 2 basins along CASH 4. Would like a response for partial contribution for the additional work.

   b) Marine Stormwater Phase II (Ravine): Administrator Shaver, Engineer Almer and Attorney Torseth met with Pine Cone Trail representatives and other landowners about 3 weeks ago. Meeting went well. Attorney Torseth provided a Consent to Enter and Waiver of Trespass signed by the Pine Cone Trail Association for signature by president Johnson. Consents are required from two other landowners, and then EOR will be able to prepare final design and survey the area for the project area and easements. Goal is to have a recommendation for a contractor by March 2019. Goal is to finish construction before the end of 2019.

   c) Marine Stormwater Phase III: Representative from Marine met with Engineer Almer and Administrator Shaver regarding a grant from MNDOT that Marine is hoping to get. Whether Marine receives that grant or not, the City is going to start with work of reconstruction of 3rd street behind the Marine Café.
d) **Goose Lake Landing IESF (St. Sauver):** Construction started last week. Managers reviewed photos of work done onsite with commentary from Engineer Almer.

e) **133rd Street/Panorama:** John Pazlar contacted Administrator Shaver with concerns about the project continuing after Administrator Shaver retires. He was reassured that the project will continue. Administrator Shaver would like to take a group to the site. Current issue is anticipated costs.

f) **Long/Terrapin AIS Filter:** Engineer Almer is continuing to try to touch base with Roger Rydeen. Mr. Rydeen said he is still waiting for material to complete the project.

7) **New Business**

a) **Permits**

i) **Return of Surety to Ted Nesse:** Administrator Shaver explained that the project has been inspected and recommends return of the surety.

   Manager Tuenge moved to return surety for Permits 17-037 (Nesse) Seconded by Manager Polasik. Motion carried 5-0.

ii) **Status of Wacker Violation:**
   - TEP findings and proposed restoration order are in the Managers’ packets for review.
   - Administrator Shaver explained that the property owner has the ability to appeal the restoration order.
   - Manager Weaver questioned the expectation of the DNR that the ordered restoration can occur by December 13th. Administrator Shaver commented that if the property owner doesn’t appeal and cannot accomplish restoration in the ordered timeline, that the landowner can request an extension.

iii) **Status of Mike White Shoreline Violation (P15-006):** Administrator Shaver reported that Mr. White has requested return of his surety ($1,000.00) and stated that the shoreline has naturally been revegetated. Current photos of the shoreline were provided to the managers.
   - Manager Lindberg feels that there isn’t enough incentive for Mr. White or others who take improper actions without a permit to not do those actions. Manager Polasik commented that although Mr. White is receiving his surety back, he will not receive a return of his permit fee of $2,500.00.

   Manager Tuenge moved that District return the surety to Mike White. Seconded by Manager Polasik. Motion carried 4-1 with Manager Lindberg opposed.

iv) **TiGavo Marina Capacity Increase:**
   - Administrator provided a short history of the TiGavo neighborhood and construction of the marina.
   - The DNR is requesting that Scandia not approve an increase in boat slips at the marina.
TiGavo Marina Capacity Increase

- Manager Tuenge asked what impact the increased slips would have on the water quality.
  - Administrator Shaver reported that it would increase, possibly doubling, the sediment in the area and it would affect spawning. That area is a sensitive spawning area.
- Managers directed Administrator Shaver that the District supports denial of the request to increase marina capacity at the TiGavo Marina.

b) Cost Share

i) Management Proposal for 50 a. property on Silver Creek: Mr. Isensee provided information about what the potential landowner’s plans are for the property. Ideas include restoration of the property. Still needs to develop a master plan showing where there will be areas of restoration and invasive species control. Mr. Isensee asked the Managers to consider providing up to 40 hours of technical assistance to develop a property specific management plan, which he estimates will cost about $2,280.00.

c) Insurance Waiver:

Manager Tuenge moved to not waive the monetary limits on municipal tort liability for the District’s insurance through the League of Minnesota Cities. Seconded by President Polasik. Motion carried 5-0.

d) MAWD Conference Delegates: Appointed President Johnson and Manager Tuenge as delegates.

- Conversation by Managers and consultants regarding proposed resolution to require DNR to obtain permits from watershed districts for stormwater management.
  - President Johnson moved to appoint himself and Manager Tuenge as delegates at the 2019 MAWD Conference. Seconded by Manager Tuenge. Motion carried 5-0.

e) Manager Tuenge moved to submit extension for Goose Lake Grant. Seconded by Manager Lindberg. Motion carried 5-0.

8) Old Business

a) Planning Updates:

i) LSCWP (One Watershed) Update: Administrator Shaver shared opinion.

ii) CMSCWD Plan Update: On hold until the next CMSCWD Administrator is hired. CMSCWD may want to request that BWSR issue a letter supporting putting the Plan update on hold until the next Administrator is hired.
b) Administrator Transition Update:

- Workshop was set for November 28, 2018.
- President Johnson had a conversation with Sarah Noah which was helpful in starting to determine parameters.
- Sarah Noah will be present.
- President Johnson will send an email out to the Managers before the workshop outlining some of the qualifications he believes the next Administrator should have.
- No consultants necessary at the workshop.

9) Other Reports:

- Water continues to be very high in the District’s lakes.

10) Bills to Be Paid

Manager Polasik moved to pay the bills in the amount of $37,570.51. Seconded by President Johnson. Motion carried 5-0.

11) Next Meetings

- Workshop Meeting on Administrator Transition is November 28, 2018 at 6:30 p.m. at the Scandia Heritage Room
- Regular Board Meeting is December 12, 2018 at 6:30 p.m. at the Scandia Heritage Room.

12) Adjourn

President Johnson moved to adjourn at 8:50 p.m. Seconded by Manager Tuenge. Motion carried 5-0.

Submitted by: Administrator Jim Shaver