

Draft
CARNELIAN-MARINE-ST. CROIX WATERSHED DISTRICT
Regular Meeting Minutes April 13, 2016

Managers Present: Dave DeVault, Kristin Tuenge, Tom Polasik, Joel Stedman, Eric Lindberg, Andy Weaver and Wade Johnson

Others Present: Jim Shaver (administrator), Susannah Torseth (Lawson Law), Carl Almer (EOR), John Bower, Max Marofzke, Harold and Cindy Johnson, Kim Haugh, Kirk Johnson, Jim and Denise Krummi, Kevin and Renee Johnson, and Jeff Dahlberg (residents) and Debbie Meister (MMC)

Manager De Vault called the meeting to order at 6:33 p.m.

1) Approve Agenda

Manager Polasik moved to approve the agenda as presented. Seconded by Manager De Vault. Motion carried 6-0.

2) Minutes from March 9, 2016

Manager Stedman moved to approve the March 9, 2016 minutes as presented. Seconded by Manager De Vault. Motion carried 5-0-1.

3) Treasurer's Report

Manager Johnson presented the Treasurer's Report.

Manager Weaver moved to accept the Treasurer's Report. Seconded by Manager Stedman. Motion carried 7-0.

4) Public Comments

Jeff Dahlberg introduced himself as a 36-year resident on Big Marine Lake and member of the lake association who tracks Eurasian watermilfoil. Flooding has been an issue since the 1970s and was the reason for the formation of the watershed district. There are still flooding concerns because of the weir dam on the north side of County Rd. 4 and water staying too long on the lake. Ice damage is also an issue. Mr. Dahlberg showed slides of the ice damage and shore erosion do to high waters. Mr. Marofzke also stated that he has high water and erosion and has been measuring water levels at County Rd. 4. His sump-pump has been running continuously this winter. Cindy Johnson, on the lagoon on the west side of the lake, stated that on March 16 the lake water level was 1 inch below her dock and was just 1 inch lower than the highest water she ever had in 19 years. Herald Johnson and Jim Krummi also spoke about flooding being an annual occurrence and seeking help from the District.

John Bower, a former manager for 18 years, stated that when he started on the board channel maintenance and drainage were the entire focus. Once that was under control, the District started with water quality. Maintenance to remove vegetation, bogs and beaver dams is critical to keeping the system open, water flowing and the weirs functioning. There are 20-30 spots in the channel that need routine maintenance and two culverts on County Rd. 4 that were deactivated when the weir was installed. Mr. Bower also stressed the need to keep the

gravity pipe for the functioning of the system. He stated that studies on Turtle Lake weir showed the most effective way to maintain the drainage system with the least effort is to take all the stop logs out when water is running out of Big Marine Lake and put all the stop logs back in when the lake is not running.

Administrator Shaver noted that a study the District commissioned in the 1980s indicated that one of the biggest controlling issues for water levels is groundwater. And the groundwater level is rising. The water level at Mud Lake and the aquifer underneath can control the outflow at Big Marine Lake. Water levels in water bodies around the District are at record high levels. There is a lot more to know about this issue before a decision can be made by the managers. Administrator Shaver noted that he is doing whatever he can to get water levels down. Manager Stedman stated that last year's channel tour was very helpful and he noted many mats of vegetation especially at the Kelly Farm.

Mr. Dahlberg, on behalf of the Big Marine Lake residents, presented a six-point Action Plan to address stop log management, channel maintenance, communication, ordering new gauges and taking new lake elevations. Administrator Shaver stated that with global warming the entire system must be reevaluated to ensure that the structures are sized correctly. Additional discussion included: the District has a DNR permit application in to do more clearing; water is over the upstream side of the Turtle Lake weir and below the lip on the south, which seems to indicate groundwater influence on the rate of flow; there is uncertainty about the current implementation plan for stop logs; there is a need to increase the system's capacity; and the new gauges suggested in the Action Plan have already been ordered.

Manager Polasik moved to direct EOR to review the Big Marine Lake Action Plan and the hydrology and capacity of the channel system and make recommendations to the Board at the May meeting. Seconded by Manager Lindberg. Motion carried 7-0.

Mr. Bower added that the gravity pipe at end of the system was a TIF project. He strongly recommended that money never be taken from that fund (and to do so would require a vote of the Board) and, if funds are needed, levy for them. The Managers thanked the residents for coming.

5) Project Updates

a) Log House Landing Ramp

Administrator Shaver reported that engineering costs of \$32,000 for the ramp were considerably higher than anticipated. Ryan Goodman suggested avoiding these costs by using the concept design and working with a trusted contractor for construction. A joint City Council-District workshop is scheduled for May 4 to move forward with the project.

b) 197th Street

A Minnesota Conservation Corps leveled the area by hand to avoid compacting the site using machinery.

c) Marine Stormwater

Mr. Almer reported that he is meeting with city staff to get feedback on the iron-enhanced sand filter and has met with all property owners about rain gardens.

d) Sand Implementation

Administrator Shaver reported that there has been some settling on some fixtures. Minnesota Department of Transportation has removed load restrictions beginning Friday and all finish work will be completed this spring.

e) Goose Lake Implementation

Mr. Chesnut reported that he met with the property owner about some minor design changes to save some red oak trees. Ms. Torseth stated that she is waiting for a surveyor to provide the property description before an easement can be drafted. Mr. Chesnut noted that there are three other projects associated with the grant. The grant will expire in 2018.

f) 133rd St./ Panorama Capstone

Administrator Shaver reported that residents on top of 133rd St. are not in favor of the project that residents on the bottom of 133rd St. support.

g) Marine Ravine and Wetland Reconstruction

Administrator Shaver and Manager Stedman reported a Marine City Council member met with a landowner who is amenable to the project, but the city needs to raise grant funds before the project can move forward.

h) Stream Bacterial Assessment

Mr. Almer reported that EOR will start the assessment in April.

i) BWSR Grant Applications

Administrator Shaver reported that he and Mr. Almer met with Dan Fabian about grant applications.

6. New Business

a) Permits

i) Mike White

Ms. Torseth stated that Mr. White is in violation of his permit. The District can start criminal action by filing a complaint and getting a court date or Ms. Torseth can send a letter to Mr. White. Ms. Torseth will confirm what the permit dictates in relation to the surety. Administrator Shaver will get cost estimates to repair the shoreline and talk to Karen Kill (BCWD) about a state statute that allows the District to recoup attorney's fees for misdemeanors.

Manager Tuenge moved to direct Ms. Torseth to draft a letter to Mike White—reviewed by Administrator Shaver and Manager De Vault—stating that he is out of compliance with his permit. Seconded by Manager Polasik. Motion carried 7-0.

ii) Ti Gavo Permit 16-005

Manager Tuenge moved to authorize the administrator to issue Permit 16-005 upon receipt of the engineer's review and acceptance. Seconded by Manager Stedman. Motion carried 7-0.

iii) Conflict of Interest

Mr. Almer stated that EOR is under contract to work on some solar farms by providing field investigation, wetland delineation and, if the project gets far enough, stormwater planning. One project being developed by SunRise Energy Ventures on German Lake could pose a conflict of interest, if a District stormwater permit is needed. Mr. Almer stated that he is not on the project team and would have no involvement in the project. The Managers agreed that the potential conflict was identified, but none felt this posed a problem. Ms. Torseth noted that a motion was not needed.

b) Cost Share

Mr. Chesnut presented the 2015 Annual Report. In 2016, \$50,000 has been budgeted for projects and technical assistance. WCD will continue outreach and implementation for the Top 50P project. Manager Tuenge suggested the board be proactive and prioritize and actively target areas for BMPs.

c) Audit

Manager Tuenge moved to accept the 2015 audit prepared by Redpath and Associates and the supporting letters dated March 25, 2016. Seconded by Manager Polasik. Motion carried 7-0.

d) AIS

Administrator Shaver reported that the District will receive 300 additional hours of inspection for the \$7,000 already allocated. He will report on how the hours are being used.

7) Old Business

a) Administrative Update

i) Per Diem, Expense Policy and By-laws

Ms. Torseth presented proposed by-laws changes. Section 5. Compensation. There is not consistency for what managers are seeking. Discussion focused on what does necessary duties mean? All agreed meeting preparation is included in the \$75 per regular meeting that is noticed and all agreed to keep paragraphs one and two. Administrator Shaver stated that the \$10 per hour for all other meetings and work performed was established prior to having an administrator when managers did manual and other work. Ms. Torseth clarified that the rates and what work entails can be set at the annual meeting. She will make the by-laws changes agreed on and provide the updated by-laws and a resolution for the next meeting.

ii) Outlet Pipe

It was agreed that Ms. Torseth will write a resolution committing the funds in the outlet pipe certificate of deposit for use in the repair of the pipe exclusively, as

recommended by John Bower. Administrator Shaver noted that the original resolution could not be found.

b) Square Lake Zooplankton Additional Monitoring

Administrator Shaver reported that he and Meghan Funke of EOR and Dr. Hembre are recommending an additional year of monitoring in case the DNR extends the stocking moratorium and monitoring.

Manager Johnson moved to continue zooplankton monitoring in Square Laker for the 2016 season at an additional cost of \$3,934 for 28 samples. Seconded by Manager Weaver. Motion carried 7-0.

8) Bills to Be Paid

Manager Weaver moved to pay the bills in the amount of \$48,609.94. Seconded by Manager Stedman. Motion carried 7-0.

9) Administrator's Report

a) May Township Request for Culvert Repair

Administrator Shaver alerted Mr. Voedisch about the Carnelian Creek culvert failure and the repair is the responsibility of the road authority. Mr. Voedisch may ask for a District cost share.

b) St. Croix River Summit- no Managers attended.

c) Kelly Creek

Administrator Shaver reported that he, Ms. Torseth and Ray Marshall met at Kelly Farm to discuss channel maintenance. After the channel was cleared, duck hunters were able to get up the channel. Because the District has an easement to gain access for maintenance, the District will need to provide a gate and a no trespassing sign to protect the property.

d) Updating Big Marine Lake Association (BMLA)

Manager Tuenge suggested Administrator Shaver write a letter updating the BMLA about the outlet channel.

10) Special Meeting April 20 at 6 PM at Warner Nature Center

11) Next Regular Meeting is April 26, 2016 Rules Workshop

12) Adjourn

Manager Polasik moved to adjourn at 9:28 p.m. Seconded by Manager De Vault. Motion carried 7-0.

Submitted by
Debbie Meister, MMC Associates