

Draft
CARNELIAN-MARINE-ST. CROIX WATERSHED DISTRICT
Regular Meeting Minutes March 14, 2018

President Johnson opened the floor for discussion, until a quorum could be reached.

Mike Blehert brought for discussion applying for Washington County aquatic invasive species (AIS) grants, possibly as a coalition of organizations; purchasing the only undeveloped plot on Big Marine Lake to ensure environmentally sensitive development, such as Jackson Meadows; and providing input into the Scandia Shoreland Ordinance, for which the District provides comments.

Managers Present: Wade Johnson, Joel Stedman, Andy Weaver and Eric Lindberg

Managers Absent: Kristin Tuenge, Tom Polasik, and Dave De Vault

Others Present: Jim Shaver (administrator), Susannah Torseth (Galowitz • Olson Law), Carl Almer (EOR), Mike Isensee (WCD), Mike Blehert, Tony Vavoulis, Gary Olson and Maria Hinz (Big Marine Lake Association), Win Miller (Marine on St. Croix), Ken Larson and Chuck Cronquist (Vets Camp), Paul Richert (CAC member) and Debbie Meister (MMC)

President Johnson called the meeting to order at 7:23 p.m.

1) Approve Agenda

Manager Stedman moved to approve the agenda as amended. Seconded by President Johnson. Motion passed 4-0.

2) Minutes from February 14, 2018

President Johnson moved to approve the February 14, 2018 minutes as presented. Seconded by Manager Stedman. Motion passed 4-0.

3) Treasurer's Report

President Johnson presented the Treasurer's Report.

President Johnson moved to accept the Treasurer's Report. Seconded by Manager Stedman. Motion passed 4-0.

4) Public Comments

There were no public comments.

5) Big Marine Lake Owners

Mike Blehert presented the lake association's 2017 Eurasian water milfoil treatment (EWM) results and treatment plans for 2018. On June 2, 2017, 11.5 acres were treated with a liquid herbicide by Lake and Land Management Corp. Inspection on September 12 indicated the spot treatment failed. A more expensive, granular herbicide was then used, with two applications within 24 hours instead of one.

Treatment Review and 2018 Plan

- DMA 4 liquid and granular herbicide was used in 2015 and has been used since 2012
- Granular herbicide Renovate OTF was used in 2016 and 2017
- Recent research has proven that
 - Renovate OTF is more effective than DMA 4
 - Rotating herbicides prevents EWM from building immunity
 - Renovate OTF accumulates in EWM roots increasing spot treating effectiveness
- Big Marine Lake Association (BMLA) is predicting six to seven acres will need treatment in 2018
- Herbicide injections working EWM root balls will be injected in May/June 2018

In 2014, 40 acres were infected with EWM. Steve McComas of Blue Water Science was hired to take soil samples. Based on the samples and lake ecology, he concluded that the lake can support about 240 acres of EWM. BMLA is concerned about starry stonewort, an invasive algae that claws into the lake bottom. Mr. McComas provided a quote of \$1,400 to do two lake searches for starry stonewort and zebra mussels in 2018. This includes training volunteers, if they are present. The association would also like to do a DNA analysis of water samples. The cost is \$85-\$100 per sample. Mr. Blehert outlined the association's 2018 budget of about \$30,000 noting that Legacy grant funds are hard to get and Washington County is providing \$7,000, which is less than requested. He requested District funding to hire Blue Water Science for the AIS searches.

Manage Weaver moved to allocate \$1,400 from the AIS cost-share budget for Blue Water Science to conduct two lake searches. Seconded by Manager Stedman. Motion passed 4-0.

The Managers thanked Mr. Blehert and BMLA for the tremendous work on this issue.

Mr. Blehert stated that road salt runoff is a problem from the Bliss Addition. The City of Scandia does not plow unless there is one to three inches of snow. Salt is applied instead. Administrator Shaver stated that he and Matt Downey of WCD will get water sampling data and approach Scandia about different snow removal procedures.

6) Tibbets Property Conservation Easement

Administrator Shaver reported that he was contacted by the Minnesota Land Trust (MLT) about holding a conservation easement over Mike Tibbets' five-acre property in Marine on St. Croix. The property is too small for MLT. MLT is willing to help the District set up the easement and estimated that cost to be about \$20,000.

Win Miller, representing Mr. Tibbets, stated that springs on the Tibbets' property feed the streams flowing into William O'Brien State Park. Mr. Tibbets wants to protect the property in perpetuity. One option is to sell the northern three acres of his property to the park, leaving Mr. Tibbets with a two-acre lot. Two acres would then be shy of the city's five-acre minimum and would require a variance. Mr. Miller perceives that there may be a roadblock from the city on the proposed variance. Discussion: Funds are in the park budget for the land acquisition and the Department of Natural Resources would like to purchase the land this year. It is valuable for the springs to be in the state park for management and protection, but

it appears it will take Mr. Tibbets a long time to get a variance from the city. According to Mr. Almer, holding easements is a common practice of watershed districts and with the variance option, only some of the property will be protected. Attorney Torseth noted that both a sale/variance and an easement could be done, but it is best to strike while the owner is willing. Managers had questions about taxes on the land, if the District held an easement; conditions of the easement such as maintenance and concern that the city does not understand the value of the land and the springs. It was suggested getting an article in the *Messenger* to begin generating public support, providing a letter from the District to the city and continuing to explore the easement and the associated costs.

7) New Business

a) **Permits-Conditional Approval of P-18-001**

President Johnson moved conditional approval of Permit-18-001 pending approval of the District engineer. Seconded by Manager Stedman. Motion passed 4-0.

b) **Fitzmorris Cost Share**

Mike Isensee presented the proposed Fitzmorris cost share to restore two acres of woodland along German Lake, a high-quality shallow lake. The total cost estimate is \$4,300.

President Johnson moved to support the Fitzmorris woodland buffer restoration 50% cost share not to exceed \$2,150. Seconded by Manager Stedman. Motion passed 4-0.

c) **AIS Boat Ramp Inspections Additional Hours**

Administrator Shaver reported that a Square Lake resident has made an informal request for additional inspection hours at Square Lake. Washington County provides baseline funding, with hours allocated across the county based on parking spaces. The District has supplemented inspection hours in the past at the rate of \$25 per hour for seasonal inspectors hired by WCD. Discussion focused on adding inspection hours based on high-quality District lakes and/or lakes with one access point versus inspections based on parking spaces. Next month Administrator Shaver will provide some options and information about what the District has done in the past.

d) **MPCA Monitoring Bacterial Impaired Stream Stretches**

Engineer Almer reported on an opportunity through the Minnesota Pollution Control Agency (MPCA) to have the MPCA conduct longitudinal testing of the District's three bacterial impaired streams, with a request to also do DNA testing. If approved, this would free some District funds for biological monitoring on other reaches. The application is due on April 15 and no match is required.

8) Old Business

a) **Minnesota Association of Watershed District (MAWD) Dues Increase**

Administrator Shaver reported that some watershed districts are upset about the increase in MAWD dues without any additional performance requirements of the new executive director. The District, by proxy, supported the dues increase and will, for the first time, provide a suggested list of priorities for MAWD to focus on.

b) Shared Services with Comfort Lake-Forest Lake Watershed District

Administrator Shaver presented a draft agreement between the watershed districts for technical services, but noted concerns with permitting services in Exhibit A. The intent was for inspections at \$20/hour not for overall permit management. Attorney Torseth stated that the agreement is fine as drafted, but is structured more as a joint powers agreement. Rather than a shared employee or an independent contractor, it will be a CLFL employee. Discussion: Staff needs for the Management Plan and education and outreach should be defined prior to entering into an agreement with CLFL. With the proposed structure, CLFL takes care of payroll and some other services. The structure was compared to the arrangement with WCD. It was agreed that Administrator Shaver will develop a budget for the plan amendment and revise the shared services agreement.

c) Carnelian Creek Access at 155th

Attorney Torseth summarized the May Township public hearing on the creek access. There are two issues. First: what right does May have to the roadway? Because there is no recorded easement, the township is using a prescriptive easement for plowing storage/upkeep. The public has the right to use the easement for biking and walking. Adjudication to contest the easement is a possibility. Second issue: one could argue that access to the creek could be gained by walking over the culvert. The township states the easement is for upkeep, not for access and does not feel it has a right to establish a no trespassing ordinance. Attorney Torseth stated that she asked the township to at least state in writing where its prescriptive access ends. She clarified that it is now up to the property owner to call the sheriff about trespassing. The no trespassing sign was posted by the District, but not authorized by the DNR. The township has no problem with the property owner erecting a new fence and posting a no trespassing sign, but the DNR might object. The District does not have ordinances and trying to figure one out would be very time consuming. A prescriptive easement in writing could give the sheriff the ability to enforce no trespassing. Managers stated that public safety is the concern and at this time the owners have no right to get enforcement. It was suggested that the DNR be asked to make a site visit to see if someone could get onto the creek without trespassing.

9) Administrator's Report

Administrator Shaver reported that the St. Croix River Association is sponsoring a paddle day on June 21 and the MAWD summer tour will be in the southwest metro area.

10) Pay Bills

President Johnson moved to pay the bills in the amount of \$13,830.73. Seconded by Manager Stedman. Motion passed 4-0.

11) Next Meeting is April 11, 2018

12) Adjourn

President Johnson moved to adjourn at 9:45 p.m. Seconded by Manager Stedman. Motion carried 4-0.

Submitted by
Debbie Meister, MMC Associates