



**MINUTES OF THE SPECIAL MEETING OF THE BOARD OF MANAGERS
Wednesday, February 27, 2019 at 5:00 PM**

Family Means, 1875 Northwestern Avenue South, Stillwater, MN 55082

ROLL CALL

Managers Present:	Others Present:
Craig Leiser, President	Karen Kill, Administrator
Sharon Schwarze, Vice-President	Camilla Correll, EOR, BCWD engineer
Gerald Johnson, Treasurer	Michael Welch, Smith Partners, BCWD legal
Anne Maule Miller, Secretary	Cameron Blake, BCWD staff
Klayton Eckles, 2 nd Vice-President	Emily Johnson, EOR
	Shawn Sanders, City of Stillwater
	Frank Ticknor, Washington County
	Maureen Hoffman, Washington County
	Carly Johnson, City of Oak Park Heights
	Mike Runk, City of Oak Park Heights
	Amanda Johnson, Summit Management LLC
	Mark Lambert, Summit Management LLC

1. Call Special Meeting to Order

President Leiser called the Special Meeting to order at 5:05 PM.

1. Approve Special Meeting Agenda

President Leiser reminded Board Members that only topics specifically identified in the Special Meeting Agenda were eligible for discussion or action.

Manager Maule Miller, seconded by Manager Johnson, moved to approve the special meeting agenda as presented. Motion Carried 5/0.

2. MIDS Presentation: What is MIDS and how Middle St. Croix WMO implemented it – Mike Isensee, MSCWMO

Mike Isensee presented on the Minimal Impact Design Standards (MIDS) highlighting the 1.1 inch volume standard for new and/or redeveloped sites and 0.55 inch volume standard for linear projects, as well as flexible treatment options when sites have limitations due to clay soils, contamination, etc. MSCWMO changed the trigger from 1 acre to 6,000 square feet

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for new or redeveloped to be consistent with Valley Branch Watershed District. He explained that MSCWMO felt this was an appropriate trigger threshold because 6,000 square feet is still larger than typical single family, but low enough to require treatment for redevelopment projects. MSCWMO also has a 500 square foot threshold of new impervious in the St. Croix Riverway.

Mr. Isensee explained the MSCWMO review process stating that MSCWMO collects a review fee from the developer, the review comments go to the community and the community does not approve until they receive a letter from the MSCWMO.

Mr. Isensee has completed an analysis of the 30 projects requiring stormwater treatment in MSCWMO in 2016-17. Of those, 80% (24 projects) achieved the full MIDS standard and 20% (6) utilized a flexible treatment option due to karst or clay soils, fueling station, contamination, or high surficial groundwater. All the projects utilizing offsite flexible treatment options have been by public entities.

Mr. Isensee then answered several questions from the Board and staff:

- Does MIDS directly require total suspended solids (TSS) reductions? – No, designed for total phosphorous (TP) removal.
- Has the 500 square foot threshold been triggered in the St. Croix Riverway? – Yes, 3-4 times per year.
- Has there been offsite treatment been provided? Yes- Bayport during a linear project and Washington County Public Works cash in place of treatment for a linear project, including installation costs based on an estimate cost per pound of phosphorous and 30 years of maintenance. Both of these projects were direct drainage to the St. Croix River and both still provided as much onsite treatment as possible. The offsite treatment will be provided after the initial project is completed.
- Regarding the permit process, does the community wait to give approval until MSCWMO or is the approval conditional? It depends on the community. Oak Park Heights gives conditional approval, but Stillwater is a simultaneous process and waits for MSCWMO review. MSCWMO has regulation standards adopted by the communities.
- Are the permit materials sent to the community to be routed to MSCWMO or are they sent directly to the MSCWMO? All materials are sent to the community and then forwarded to the MSCWMO.
- Have there been issues with the 60-day review timeline? This has not been an issue for the permits so far. Typically the MSCWMO review time is completed within three weeks.
- Who determines if the permit application is complete? Both the community and MSCWMO checks for completeness independently. MSCWMO has a checklist for review.
- Have the timelines for review been the same or different for those projects that have utilized flexible treatment options? Difficult to answer because so unique, but generally they have been similar.
- Does MSCWMO also review for erosion and sediment control? Yes.

President Leiser invited questions or comments from those present in the audience.

Shawn Sanders stated that there isn't a lot of development in the portion of the city of Stillwater within MSCWMO. Typically these have been one building developments, but no large scale developments that are seen in the BCWD portion of the city. He explained that the city of Stillwater withholds the building permits until they have MSCWMO review approval.

Mike Runk, MSCWMO Board representative for the city of Oak Park Heights, stated that they have had a good experience implementing MIDS especially with linear projects with rain gardens. Housing developments have taken some work to get into compliance, but have been generally successful. He stated that Oak Park Heights adds a condition for MSCWMO review approval.

Shawn Sanders further added Stillwater's experience with linear projects under MIDS. He stated that sometimes there is limited room in linear projects for stormwater management such as rain gardens. It is good to have flexible treatment options to do offsite projects elsewhere in the MSCWMO. Although there have been some tough discussions, the city and MSCWMO have been able to come to consensus on offsite treatment.

Frank Ticknor stated that Washington County Public Works has worked with many watershed districts through the county and gives support for MIDS.

President Leiser stated that BCWD is a participant in the Lower St. Croix One Watershed One Plan that has as a goal to create consistency in rules. He stated that BCWD also is concerned with the health of a trout stream that is impaired for both total suspended solids and temperatures, not just total phosphorous. Manager Maule Miller agreed that different resources have different needs for protection.

Mr. Isensee continued to answer questions from the Board and staff:

- Have there been any gaps or improvements that you have seen in applying MIDS? Challenging sites are still challenging, for example linear projects with wetlands on each side of the roadway.
- Are you seeing any movement to addressing TSS or chlorides? TSS is closely tied to TP. Chlorides are a bit more of an unknown. Chlorides may be addressed with standards in the future when there are more known best management practices to address them.
- What have been the MSCWMO review costs? MSCWMO supplements the reviews with \$5,000 per year. Single lot residential has been \$400 review. Small development reviews have been in the range of \$2,500-\$4,000.
- Does MSCWMO use the flexible treatment option flow chart? Yes, but not formally. Many of the entities that have adopted MIDS have made their own changes to the flexible treatment options.

The Board thanked Mr. Isensee for attending and providing MSCWMO's experience with MIDS.

Mark Lambert asked the Board for clarification why the watershed district has rules. He has heard that there is a mandate from the state and is unclear where this comes from in statute. Michael Welch reviewed MN state statute 103D.341.

4. Discussion of Recent Stakeholder Input & Regulatory Program Evaluation Next Steps

The Board reviewed the regulatory program evaluation next steps memo from the packet.

The Board is interested in harmonizing rules with neighboring watershed districts and water management organizations and local government units in standards and process. Although we have difference water bodies, they would like to look at where it is possible to simplify and to move forward in an effect, engaging, transparent and fair manner.

Manager Eckles, seconded by Manager Schwarze, moved to direct the administrator to create a scope for the March 20, 2019 Board meeting for an internal standards and permit process comparison (task A Rules and Regulations and task A Permitting Process), and a MIDS evaluation (task B Rules and Regulation) to be completed by the district engineer, as well as a third-party review of the MIDS evaluation. Motion carried 5/0.

The Board accepted the offer from Amanda Johnson to have Dan Parks, Westwood, give a brief presentation of the Central Commons site evaluation of various stormwater standards including BCWD rules and MIDS at the March regular board meeting.

5. Adjournment

Manager Johnson, seconded by Manager Maule Miller, moved to adjourn at 7:08 PM. Motion carried 5/0.

Respectfully Submitted by
Karen Kill, Administrator