

Regular Meeting
South Washington Watershed District
Tuesday, September 14, 2021
6:00 p.m.
Virtual Meeting-Microsoft Office Teams

1. Call to Order and Setting of Agenda

Manager Johnson called the meeting to order at 6:00 p.m. Additional Items added to the agenda: Item f-Cost Share Application for Joan Asmus (\$500), Item 5c-SWWD Standing Committee for Legal Matters and Item 5d-3M Drinking Water Update. A motion was made by Manager ChapdeLaine to approve the agenda as amended. Manager Williams seconded. A roll-call vote was done for the motion:

- President Johnson-Yea
- Vice President Doucette-Yea
- Treasurer ChapdeLaine-Yea
- Manager Williams-Yea

Motion carried unanimously.

Roll Call:

- Brian Johnson, President
- Sharon Doucette, Vice President
- Kevin ChapdeLaine, Treasurer
- Cole Williams, Manager

Staff:

- Matt Moore, District Administrator
- Melissa Imse, Operations Manager
- John Loomis, Program Manager
- Tony Randazzo, Watershed Restoration Specialist
- Attorney Jack Clinton

Others: Chris Hartzell, City of Woodbury Engineering Director
Michelle Witte, City of Woodbury Residents
Dan Belka, City of Woodbury Resident
Gale Meyer, City of Woodbury Resident

- 2. Public Open Forum** Michelle Witte addressed concerns about programs and projects in the SWWD Watershed Management Plan and the proposed 2022 budget that were outlined in the attached memorandum submitted by the Wilmes Lake residents.

3. Consent Agenda

Items on the Consent Agenda include: August 9, 2021 Regular Board meeting minutes, August Treasurer's Report: accounts payable \$172,127.04 accounts receivable \$2,306.30, 4M fund balance \$14,085,975.78, Calendar of Events, Development Reviews, Wetland Conservation Act, Cost Share Program, and Miscellaneous Correspondence. A motion was made by Manager ChapdeLaine to approve the consent agenda. Manager Doucette seconded. A roll-call vote was done for the motion:

- President Johnson-Yea
- Vice President Doucette-Yea
- Treasurer ChapdeLaine-Yea
- Manager Williams-Yea

Motion carried unanimously.

4. Manager's Report

Manager Johnson – Manager Johnson reported that he attended the Washington County Board meeting to receive the Commissioners Award for the CDO project. Manager Johnson reported that he attended the Water Consortium meeting. Manager Johnson reported on the goat grazing around Bailey Lake.

Manager Doucette – None.

Manager ChapdeLaine – Manager ChapdeLaine reported that he attended the 3M drinking water meeting.

Manager Williams – None.

5. Administrator Report

SWWD Project Updates. Included in the board packet are project updates on: Trout Brook, Glacial Valley Park and Open space, Campus Greening, Newport ROWs, McQuade Ravine, Seasons Park Stormwater Filter, Wilmes alum facility, Powers Stormwater filter, Nuevas Fronteras filter, East Mississippi Modeling and Retrofit Analysis, Markgrafs Lake Retrofit Analysis, Northern Watershed/CDSF/East Ravine, and Cottage Grove Ravine Park.

Wilmes Lake Update. SWWD Board response to comments from the August 9, 2021 Board meeting from the Wilmes Lake area residents on the proposed 2022 SWWD budget. The full response is attached to the meeting minutes.

SWWD Standing Committee for Legal Matters. President Johnson appointed the following Staff and Manager to the Standing Committee for Legal Matters: Administrator Moore, Attorney Jack Clinton, and Manager Mike Madigan.

3M Drinking Water Update. Manager ChapdeLaine provided an update on the 3M Drinking Water meeting.

- 6. 2022 Budget Hearing.** Manager Johnson suspended the regular meeting and opened the 2022 budget hearing. SWWD received written public input on the 2022 budget from Michelle and Eric Witte, Dan Belka and Gayle Meyer, John and Cindy Martin, and Mike and Gina Kazmerski. The written memorandum is attached to the minutes. SWWD provided a written response to the August 9th comments received on the budget. The SWWD response is also attached to the minutes.

A motion was made by Manager ChapdeLaine to accept the written comments received and SWWD's response to comments on the 2022 budget. Manager Williams seconded. A roll-call vote was done for the motion:

- President Johnson-Yea
- Vice President Doucette-Yea
- Treasurer ChapdeLaine-Yea
- Manager Williams-Yea

Motion carried unanimously.

Manager Johnson reconvened the regular board meeting.

- 7. 2022 Budget Preliminary Levy Certification.** In 2022, the Long-Range Work Plan shows a shift from accumulating funds for the Overflow project to spending down the budgeted fund reserves in projects and programs identified in the SWWD Watershed Management Plan. The 2022 tax impact is flat by keeping the Levy and Stormwater fees flat while using budgeted fund reserves. The managers reviewed an overview of the draft 2022 budget and the three proposed options for the Preliminary Levy. After discussion, a motion was made by Manager ChapdeLaine to approve the 2022

Preliminary Levy Certification of \$1,247,861 to Washington County. Manager Williams seconded. A roll-call vote was done for the motion:

- President Johnson-Yea
- Vice President Doucette-Yea
- Treasurer ChapdeLaine-Yea
- Manager Williams-Yea

Motion carried unanimously.

8. **Easements Rolling Meadows.** The Rolling Meadows development is underway. It sits adjacent to SWWD's CDSF facility. While the development provides all required treatment onsite, it does require an outlet and emergency overflow from the developments pond system into CDSF to maintain existing drainage patterns. Additionally, the development includes a trail adjacent to CDSF that will connect to the future Glacial Valley Learning Center. While the trail is on the development side of the property line, completing it would be facilitated by allowing minor grading onto SWWD property to tie in grades. To allow this work, 3 easements are needed. The permanent drainage and utility easement will cover the new outlet from the development into CDSF and will be held by the City of Cottage Grove. The 2 temporary easements will allow minor grading along the property line and be held by the developer. After discussion, a motion was made by Manager ChapdeLaine to approve the three easements for the Rolling Meadows development as presented. Manager Williams seconded. A roll-call vote was done for the motion:

- President Johnson-Yea
- Vice President Doucette-Yea
- Treasurer ChapdeLaine-Yea
- Manager Williams-Yea

Motion carried unanimously. Attorney Clinton will work with Staff to complete the Easement agreements.

9. **Trout Brook Design Task Order #2021-005, Houston Engineering.** SWWD and its partners are ready to proceed with additional restoration of Trout Brook, to include replacement of the remaining perched culvert at Afton Alps and in stream restoration within the ski area and State Park both upstream and downstream of work previously completed. Under the task order, Houston Engineering would provide engineering assistance to advance the next phase of stream restoration work to 60% and provide assistance to complete permitting for the project. SWWD partners have \$365,000 in grant funds secured to support construction. Additionally, SWWD will pursue LSC1W1P funds for construction. After discussion, a motion was made by Manager ChapdeLaine to approve Task Order #2021-005 with Houston Engineering for the Trout Brook design work for up to \$219,200. Manager Doucette seconded. A roll-call vote was done for the motion:

- President Johnson-Yea
- Vice President Doucette-Yea
- Treasurer ChapdeLaine-Yea
- Manager Williams-Yea

Motion carried unanimously.

10. **Lake Vegetation Management, Stantec Consulting Services.** Based on increasing citizen interest in controlling excess vegetation on District Lakes staff has worked with Stantec to begin pursuing vegetation management efforts as prescribed in SWWD's current lake management plans. Initial efforts have been focused on Colby, Ravine, and Markgrafs Lakes. Before SWWD can develop proposals and proceed with permitting, there is some coordination work needed to engage MnDNR staff to define the allowable scope of vegetation control. After discussion, a motion was made by

Manager ChapdeLaine to approve the Lake Vegetation Management task order with Stantec for up to \$5,800. Manager Williams seconded. A roll-call vote was done for the motion:

- President Johnson-Yea
- Vice President Doucette-Yea
- Treasurer ChapdeLaine-Yea
- Manager Williams-Yea

Motion carried unanimously.

- 11. Powers Lake Task Order #2020-002 Amendment, Barr Engineering.** SWWD has an existing task order for Barr Engineering to develop a stormwater BMP to be installed on City property East of Powers Lake. With assistance from Barr Engineering, SWWD and City staff have worked extensively over the past couple of months to develop a larger project that provide additional water quality benefit to Powers Lake, incorporate SWWD and City restoration efforts, and provide opportunities for education and outreach. Specifically, the project currently envisioned includes multiple stormwater BMPs with interpretative features, completion of a missing trail section around Powers Lake with accompanying riparian restoration work, and restoration of the Hasenbank woods and Fish Lake wetland basins. After discussion, a motion was made by Manager ChapdeLaine to approve the Powers Lake Task Order #2020-002 Amendment with Barr Engineering for up to \$57,425. Manager Williams seconded. A roll-call vote was done for the motion:

- President Johnson-Yea
- Vice President Doucette-Yea
- Treasurer ChapdeLaine-Yea
- Manager Williams-Yea

Motion carried unanimously.

- 12. 21 Oaks Living Fence Swale Proposal, Davey Resource Group.** The SWWD has worked with landowners to develop a living fence concept along adjacent rear lot property lines. The project has experienced several maintenance issues. Davey Resource Group provided a proposal for a change to the original design to strengthen the drainage system through the project. The landowners and Staff are recommending approval of Option 1 for up to \$10,000. After discussion, a motion was made by Manager ChapdeLaine to approve the 21 Oaks Living Fence Swale proposal from Davey Resource Group for up to \$10,000. Manager Doucette seconded. A roll-call vote was done for the motion:

- President Johnson-Yea
- Vice President Doucette-Yea
- Treasurer ChapdeLaine-Yea
- Manager Williams-Yea

Motion carried unanimously.

- 13. City of Woodbury Flood Damage Reduction Program 2021 Participation.** The City of Woodbury is requesting SWWD support for the 2021 Flood Damage Reduction Program. The program will run through the end of 2021 and will be active in 2022. There are several possible projects for 2021. After discussion, a motion was made by Manager Williams to approve participation in the City of Woodbury's Flood Damage Reduction Program. Manager ChapdeLaine seconded. A roll-call vote was done for the motion:

- President Johnson-Yea
- Vice President Doucette-Yea
- Treasurer ChapdeLaine-Yea

- Manager Williams-Yea
- Motion carried unanimously.

14. Adjourn

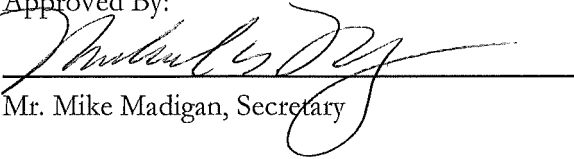
The next regular Board Meeting will be held on Tuesday, October 12th at 6:00 pm. A motion was made by Manager ChapdeLaine to adjourn at 7:20 p.m. Manager Williams seconded. Motion carried unanimously.

Respectfully submitted,



Melissa Imse, Operations Manager

Approved By:


Mr. Mike Madigan, Secretary

12/15/2021
Date

MEMORANDUM

TO:

Anne Burt, Woodbury Mayor	Andrea Date, Woodbury Council Member/BWSR Board
Steve Morris, Woodbury Council Member	Jennifer Santini, Woodbury Council Member
Kim Wilson, Woodbury Council Member	Fran Miron, Washington County Commissioner
Stan Karwoski, Washington County Commissioner	Gary Kriesel, Washington County Commissioner
Wayne A. Johnson, Washington County Commissioner	Lisa Weik, Washington County Commissioner
Clint Gridley, Woodbury City Administrator	Chris Hartzell, Woodbury Engineering Director
Brian Johnson, SWWD Board	Sharon Doucette, SWWD Board
Kevin ChapdeLaine, SWWD Board	Mike Madigan, SWWD Board
Cole Williams, SWWD Board	Matt Moore, SWWD Administrator
Melissa King, BWSR Board Conservationist	Anne Felix Gerth, BWSR Water Programs Coordinator
Travis Germundson, BWSR Appeals and Regulatory Compliance Coordinator	

FROM: Dan Belka & Gayle Meyer, Gina & Mike Kazmerski, John & Cindy Martin, Michelle & Eric Witte

DATE: September 10, 2021

RE: Public Comment on South Washington Watershed District Budget & Related Questions and Requests

Please accept our letter in reference to the SWWD proposed budget for 2021-2026. This letter is the culmination of years of studying the flooding risks in Woodbury, plus the lived flooding experience by dozens of residents, in an attempt to encourage an appropriate response by SWWD to the growing concern of increased rainfall events throughout Minnesota, which are significantly raising the risk of flooding within Woodbury. We are also concerned that our tax dollars, collected for the purpose of flood mitigation, are being misallocated to other purposes.

We are addressing this letter to –

- **The Woodbury City Council**, as we need your advocacy to appeal to SWWD to fully account for and appropriately spend tax dollars collected from Woodbury residents, and to plan accordingly for the flood risks in our city as exemplified in the Atlas 14 report;
- **Woodbury City Staff**, as we believe you could allocate current grant funds and/or SWWD funds to create an improved Emergency Response system to better support the imminent threat of flooding throughout our community;
- **Washington County Commissioners**, as you appoint and therefore should oversee SWWD Board Members and how their taxing authority is used to support resident needs and input;
- **BWSR Board/Staff**, as you also review and approve SWWD's 10-year plans, and help to ensure that taxation and resource plans adhere to state statute and overall watershed district best practices; and

- **SWWD Board members**, as we ask you to reexamine your current budget and make appropriate adjustments in order to –
 - Tie spending more closely to the taxing authority in which funds were collected;
 - Remove items from the budget which do not have the approval of BWSR, either in scope or funding level; and
 - Allocate tax dollars already collected from residents to better study and find solutions for the significant flooding risk identified for 200+ Woodbury homeowners, a need also identified within the SWWD’s own Climate Resiliency Report of 2018.

Specifically, we are asking the following questions and making the following requests:

- **Wilmes Flood Mitigation Plan.** The previous SWWD 10-year plan from 2006 had \$9M budgeted for Wilmes flood mitigation. That money was then struck from the plan.
 - *Why was that money removed, and what is the accounting for any funds spent to address the repercussions and learning from the 2005 flood?*
- **Fund Balance/Carryover of Central Draw Overflow Tax Revenue.** The SWWD 2021 Budget Overview features a Fund Reserve graph that clearly shows a significant carryover of at least \$5M from the CDO, and additional \$10M SWW carryover as well, into 2021.
 - *Under what taxing authority were these funds collected, and how are they now being spent within the current budget? Are tax dollars that were collected originally for “stormwater rate and control” under Minn. Stat. Chapter 444 being spent for these purposes, or are they now being used for items such as the alum treatment facilities and “other projects” that are on the 2021 budget overview, but are not in the 2019 plan amendment?*
- **Glacial Valley Interpretive Center.** The original 2016 10-year plan did not include a Glacial Valley Interpretive Center. This was added in 2019 as an amendment, under the name “Learning Center.” The 2019 plan approved spending of \$1,250,000. Then the initial SWWD 2021 Budget Overview said it would cost \$1.8M. And now, it’s being presented as \$2.3M.
 - *Has this additional \$1M since 2016 been approved by BWSR? We request that this “learning center” be pulled from the budget so that mission-critical dollars already collected from taxpayers can be applied to flood mitigation.*
- **Alum Treatment Facilities:** The SWWD 2021 Budget overview presents on page 3 several “Targeted Retrofits” which are not included in the 2016 nor 2019 amended 10-year plan. These are slated to cost \$6.45M during the planning period between 2021 and 2026.
 - *How can these projects, along with the others, move ahead without BWSR approval? We request reconsideration of these “upcoming projects,” and instead invest in the many strong recommendations made within the SWWD 2018 Climate Resiliency Report, which consistently identified risk of flooding as a primary concern, and highlighted actions such as: Study the risk of failure of the stormwater infrastructure in the SWWD; Protect critical infrastructure from mega rainfall events; Work with county and local partners to develop emergency flood response plans and communicate them to residents and stakeholders; Build resilient stormwater infrastructure; Work with local partners to inspect, repair, and increase the storage and conveyance capacities of SWWD’s stormwater infrastructure to reduce flood risk; Mitigate flood impacts; Improve flood protection of properties and structures (e.g., flood-proofing); Continue to promote reductions in impervious cover and increased infiltration.*

- **Infrastructure Failure as exhibited on August 29, 2021:** We recently had another example of how the current Wilmes Lake infrastructure is not even capable of meeting the 1979 design standard. The October 2005 storm already proved that the current design of the Wilmes Lake stormwater system could not handle what was supposed to be a 100-year storm with 6 inches of rain. We had less than 6 inches of rain in 2005 and the 100-year HWL was exceeded.. And just a few weeks ago, a rain of under 4 inches during drought conditions, caused Wilmes Lake to exceed its 100-year HWL. It failed due to clogging of the outlet and lack of timely maintenance, again pointing to the fact that the current infrastructure is failing and new solutions should be studied and applied.
 - *What is the current Emergency Response plan for addressing city flooding? We request that the City of Woodbury and SWWD work together to use some of the funds collected for flood mitigation to purchase and store tools such as inflatable dams that can more effectively reduce the effects of flooding, and can also be deployed throughout the entire watershed if needed. Minimally, we should see an operational plan that might include a hotline to call when flooding is observed and increased maintenance of the current Wilmes outlet, which currently is the main pipe for 2/3 of the watershed's stormwater.*

Bottom line – we need a new study to assess the options available, along with their real costs. We've consistently been told by the City of Woodbury and SWWD that any other solutions to address the flooding risk for 200+ residents are too expensive for consideration. Yet, there has been no real independent engineering study of how the Wilmes infrastructure and other possible operational improvements and emergency response measures might be able to come together to meet the clear risks identified. You also now have additional proof from the August 29, 2021 event that the current 1979 design standard for a 100-year flood is not even being met with the current infrastructure and operating systems. ***We strongly recommend you allocate already-collected tax revenue within the current budget to conduct such a study, which also aligns with your 2018 Climate Resiliency report.***

Please don't put a period where there should instead be a comma, on supporting flood mitigation in Woodbury. Let's finish the good work of the Central Draw Overflow (CDO), which protects new Woodbury developments, by using tax funds already collected from residents to better study and deploy solutions for older areas of Woodbury. And let's advocate for Woodbury residents to receive the same support from SWWD as Cottage Grove residents received through both the CDO project, as well as the establishment of a route from the Central Draw Storage Facility to the Mississippi River, with the promise that, "the District will continue to work with the City (of Cottage Grove) to address remaining issues." As policy makers, we ask that you also address your responsibility to pursue equity, and ensure that tax funds are available across the entire SWWD for flood mitigation. When schools raise bond money for new schools, they also raise millions to retrofit the older schools to ensure equity for all students.

Thank you for reconsidering the SWWD current budget to more effectively align your priorities with the original 10-year Management Plan, the public input received from the 2018 Climate Resiliency Study, the current purpose for which tax dollars were collected, and the new information from 2021 that shows the true urgency for improved flooding infrastructure and operational and emergency management protocols.