



Scott Watershed Management Organization
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MINUTES

Scott WMO – Watershed Planning Commission

Video Conference

August 24, 2020

Members Present:

Rita Weaver
Pam Caselius
Kevin Shea
Brian Schmidt
Mark Vierling

Staff Present:

Vanessa Strong
Melissa Bokman
Ryan Holzer
Troy Kuphal

Others Present:

Tom Wolf
Bruce Loney

Absent:

Virgil Pint
Joe Thill

CALL TO ORDER

Commissioner Chair Weaver called the meeting to order at 4:00 PM.

- Specific details and video of the entire August 24, 2020 Scott WMO Watershed Planning Commission Meeting is available for viewing on the Scott County Website.
- The video link can be viewed at: <https://www.youtube.com/watch?v=fww0ITHm5ak>

APPROVAL OF AGENDA:

Motion by Commissioner Schmidt; second by Commissioner Caselius to approve the August 24, 2020 Meeting Agenda as amended below. The motion carried unanimously.

Motion Carried

Ayes: 5

Nays: 0

APPROVAL OF MEETING MINUTES AUGUST 24, 2020:

Motion by Commissioner Schmidt; second by Commissioner Caselius to approve the August 24, 2020 minutes as written and presented. The motion carried unanimously.

Motion Carried

Ayes: 5

Nays: 0

STAFF REPORTS:

SCOTT SWCD

Updated from Troy Kuphal

- Details of the August 24, 2020 SWCD report are available in the Watershed Planning Commission meeting packet

Vanessa inquired that the County has been seeing interest in community solar gardens in wetlands, has the SWCD seen any increase in interest through WCA (Wetland Conservation Act) for community solar gardens?

Troy responded we have had in previous years (2-3 years) but nothing this year.

Commissioner Schmidt inquired about the buffer law, (the connection was broken up), do you inspect one section of the county, or do you inspect a percentage of the total area?

Troy responded that we have divided the county into three different areas, basically the north half, the southeast and southwest. We don't do it by township, but we do 100% of the inspections in each given area when they're due. This year for example, we are focused in the Belle Plaine, Blakely, Helena area, we will review every required buffer in those townships.

Commissioner Schmidt responded, ok thank you, do you send that information to the townships, as to, if they are in compliance?

Troy responded, we don't have that as a standard protocol, however, if there is a request by any township or other entity that would like that information, we are certainly willing to provide it.

Commissioner Schmidt responded; well I will ask that for Blakely township at this time.

Troy responded, very good, I will make note of that and make sure you get a copy of the report.

SCOTT WMO

Updates from Vanessa Strong

- We had a mid-year meeting in August with SWCD/SWMO staff. We normally do this annually earlier in the year. We had it outside and everyone followed COVID-19 protocol.
- The County settled on a preliminary levy percent of 2.52% to move forward with the September Board meeting. We will use that to work on our preliminary budget levy amount for the 2021 budget year.

- Staff is working on identifying projects for the Watershed Based Implementation Funding (WBIF). The Lower MN River Watershed South group is convening again in September and at that time, we will be approaching (the group) with the different capital improvement projects we would like to put forth for funding. There is no guarantee we will receive funding.
- The County did get their FEMA Map Certificate. FEMA maps have been approved, we are working on getting the maps updated to the ordinance, getting letters out to the residents, and fielding an increase in calls regarding flood plain and FEMA.

Commissioner Weaver inquired regarding the WBIF; does the County come up with our own list of priority projects and then we bring them to Lower MN River Watershed group, and everyone would discuss and prioritize everyone's projects, is that how that works?

Vanessa responded, basically yes, the group has been working over the last several months, on our criteria for eligibility and how we will prioritize projects in our area. So, the next step is for everyone to bring those projects forward for ranking and eligibility.

Commissioner Caselius asked, regarding the FEMA map update, is it possible that a location would fall off their map or get changed somehow?

Vanessa replied, yes, it is feasible that properties can and do, fall off the map. If you needed a Letter of Map Amendment (LOMA) previously, depending on where you are in the floodplain, you may need to reapply for a LOMA.

Commissioner Weaver responded that as part of the process they would have looked through all the LOMAs and either reverified them or not, they would have looked at each parcel and made the decision of whether it was still good or not. The other point is that if you are high (on the landscape) and outside the floodplain, and it would show up on LiDAR you can get what's called a LiDAR for LOMA, all you would need is a map that shows several LiDAR lines in between the floodplain and your house footprint on the aerial photo. FEMA will accept that too.

Commissioner Weaver inquired with Vanessa as to whether she was the floodplain administrator for the County.

Vanessa replied, I was at a previous position, but I am not now here. Currently it is Ron Holbeck. It's mostly me and Megan (Tasca) that are filling in.

Commissioner Weaver used to work the Floodplain Unit at the MDNR.

ONGOING BUSINESS

Fall Tour with SWCD (September 28, 2020)

Updates from Vanessa Strong

- We are still moving forward with the fall tour with the SWCD Board. Reminder to please RSVP so we can get an accurate count. We will still be following all the COVID-19 Operation Plan protocols. It will be a small group.

- We will also be presenting the Conservation Leadership Award during the tour.

Program Updates

Updates from Melissa Bokman Ermer

- Watercraft Inspections report: early July, two busiest lakes were Cedar & O'Dowd with ~100 boats per day; Thole Lake had the least amount of traffic.
- McMahon Lake Outlet Project: at our last meeting with McMahon Lake residents (July 21), Spring Lake Township had offered to investigate the Rule 429 Special Assessment process to help landowners fund an outlet project.
- Last Thursday I attended a township meeting at Spring Lake Township Hall, Bob Grundman a resident from McMahon Lake was also present. The Township Board discussed it and recommended we investigate creating a Subordinate Service District instead since there are multiple entities involved (two townships, county and state land).
- Mr. Grundman also asked the Board for signage along CR 86 due to safety concerns with vehicles and trailers parking on both sides of the road. The board agreed to investigate caution signage and possibly adding no parking signs on one side of the roadway.
- Melissa and Vanessa met with Cindy Geis, Dana Anderson from Taxation/Land Records and Melissa Hanson & Sara Domer from Spring Lake Township on 8/24 to discuss the Subordinate Service District option. A township cannot create a Subordinate Service District. The Township could try funding through a Rule 429 process with a waiver from each landowner. A Lake Improvement District (LID) was discussed which would also provide a mechanism for future operation and maintenance fund.
- Melissa will send out an email to McMahon residents updating them on the meeting with Taxation on the discussion of that meeting.
- Vanessa added that requesting the creation of the lake improvement district needs to be initiated by the lake residents.

Program Updates

Updates from Ryan Holzer

- We are in the process of our final CIP payment on project #5, that is the final step in all the CIPs we have completed.
- We are continuing to perform status reviews on CIPs or other SWMO projects
- We discovered, one of our riparian buffers near New Prague is not doing well. An herbicide treatment used for maintenance has impacted parts of the riparian buffer. This project will be added to our maintenance list and followed up on with staff.
- There is some maintenance work on two CIPs that will be completed by November this year.
- We have a site visit scheduled with our MPCA representative Mark Hanson on our EPA grant. We will be looking at a native prairie site and one CIP.

NEW BUSINESS

Ray Soller Wetland Restoration TACS Application

Updates from Ryan Holzer

- Both TACS applications on today's agenda are a joint project

- The project is located in Belle Plaine township at a total cost of \$55,992.10. The proposed funding sources are split between the following: SWMO - \$11,375.10; SWCD - \$14,707.22; CRP - \$27,412.78 and landowner - \$2,497.00. The source of the SWMO funding is the 2020 Local General Fund which has the available balance to cover the costs. Due to limited TACS funds, staff has been taking applications through a ranking and batching process to prioritize project applications throughout the summer. This project was one of those batched and ranked.
- The proposed restoration will result in 7.66 acres of wetland being restored on the property.
- This project is in conjunction with the neighboring landowner, Lowell Schmitz.
- This contract term is set for 15 years.
- This site is a stop on the SWMO/SWCD tour next month.

Commissioner Weaver asked a question to the rest of the commissioners if there is any reason we would want to vote on these separately since they kind of go together, and question for Vanessa, can we do that?

Vanessa responded she doesn't know if you can or cannot, I would say that Ryan could present both and you could choose to approve both at once, but you can't approve them as one application because they were submitted as two.

Commissioner Weaver suggested Ryan present the second application before voting on both.

Commissioner Shea inquired for clarification, on the Sollar property, we are looking at one project and it's a total of \$63,622 and \$55,992, and this is all for a 7.5-acre piece?

Ryan responded the total of \$55,992 which would be for the Sollar project and the Schmitz project would be a total of \$7,695, in total, greater than \$60,000.

Commissioner Shea replied, and that's to make basically a 9-acre wetland, correct?

Ryan replied, correct. This reason is, there is a culvert under the road which is why Ray Sollar couldn't do the project solely on his property because it will move water through the culvert onto Mr. Schmitz's property.

Troy Kuphal clarified the number of acres represented by the Sollar application which Cmsr. Shea correctly noted at just above 9 acres is for the inundated area only, there is additional wetland perimeter, which is still wetland but won't have standing water on it, it will just be wet enough to be wetland, we call that a wet meadow. There will be additional acres which will be more than 9 acres. These 9 acres only represents a portion of the total wetland. (Troy looked up the additional acres).

Commissioner Shea continued with, the way I understand it, the Lowell Schmitz (project) you must do it because they are tied together, you can't do one without the other, is that correct?

Ryan responded, they are tied together, by breaking the tile line, it would have to put water through that culvert. Essentially, they are an all or nothing.

Commissioner Weaver suggested they talk about the Lowell Schmitz restoration first, unless anyone has objections.

Motion by Commissioner Weaver; and second by Commissioner Vierling to recommend to the Scott County Board to approve Ray Soller Wetland Restoration TACS Application as presented.

Motion Carried Ayes: 3 Nays: 2
Ayes: Weaver, Schmidt, Vierling Nays: Shea, Caselius

Lowell Schmitz Wetland Restoration TACS Application

Updates from Ryan Holzer

- The project is located in Belle Plaine township at a total cost of \$7,695.
- The source of the SWMO funding is the 2020 Local General Fund which has the available balance to cover the costs. Due to limited TACS funds, staff has been taking applications through a ranking and batching process to prioritize project applications throughout the summer. This project was one of those batched and ranked.
- The proposed application will result in 1.9 acres of inundated wetland.
- This project is in conjunction with the neighboring landowner, Ray Sollar.
- The contract term is 15 years.
- Wetland restoration projects do require a review by the WPC and was reviewed and approved by the SWCD TACS Screening Committee at their August 18th meeting.
- The SWMO's priority has been on runoff reduction projects, and wetland restoration is a runoff reduction practice
- Historically we have not had great success getting this size of wetland restoration projects with landowners

Troy Kuphal stated, Madam Chair if I could provide the number of additional acres; in addition to the ~9.5 acres that you see on the amounts in the packet, there is an additional 7.34 acres that is being covered by a federal CRP program and the Scott SWCD Clean Water Fund grant. That's why those items are not on your agenda because those approvals were done the SWCD Board. But when you add the 7.34 to the other acreages that you have, it comes to 16.9 total wetland acres.

Commissioner Caselius asked for an explanation of where the contract says it's for 15 years, I heard someone say they are usually for 10, I don't know what the contract means.

Ryan responded with sharing a screen shot of the contract (from the packet) and walked through where it states the 15-year term of the contract the landowners signed.

Commissioner Shea inquired, I'm looking at the different proposed projects for the Sollar property, the first \$55,993 & the other one for \$63,000. So, there is two different projects going on this property, so there is a lot of money going into this project. Is that appropriate to talk about that because it does have SWMO money in it?

Ryan replied, yes, we certainly can talk about it. It does have the conservation cover (practice) as well. It is a higher dollar amount but does come with the acreage the landowner is putting into the program. In terms of the wetland on the Sollar project, the costs are distributed well amongst the other funding agencies, and we are using the (payment) rates we put in the docket. Any other landowner, depending on the number of acres they would be putting in the program, we would use the (payment) rate that was established in the docket. In the case of Sollar, it's a significant amount of land in between the wetland and the conservation cover, which is why it is so high. In the docket we have lessened the cost in terms of the amount of acreage, the landowner is putting in higher amounts of land into the flat rate payment, that it comes down. (Ryan continued to explain how the wetland rate calculation works in the docket.)

Commissioner Shea continued, I was looking at the totals on both, across the board for everything, you're looking at ~\$120,000 between the two projects with a landowner investment of \$8,000.

Ryan responded, with the flat (payment) rate, they are dedicating that land to the program for wetlands, 15 and native grasses 10 (years). There are fewer input costs in terms of structural practices vs wetland. With wetland restoration, we try to incentivize landowners to do the practice since historically we haven't had much luck. It does have a higher rate on the cost share for construction, (Ryan shared the Cost Estimate worksheet for Ray Sollar), it's 90% cost share for wetlands. The highest other practices can get are ~80%.

Motion by Commissioner Weaver; and second by Commissioner Schmidt to recommend to the Scott County Board to approve Lowell Schmitz Wetland Restoration TACS Application as presented.

Motion Carried

Ayes: 5

Nays: 0

Budget Amendment: Reallocation of funds for pumping McMahan Lake

Update from Vanessa Strong

- It appears the lake is going to stay high again this year and may need to be drawn down
- This amendment is specifically for McMahan Lake pumping in 2020

- The SWMO may coordinate a temporary pumping of McMahan under the conditions stated in the packet memo for this action item, Vanessa read through the conditions for the record. See packet memo for specific conditions.
- This agenda item is to review a proposed budget amendment and provide a recommendation for County Board consideration.
- The pumping allocation will not exceed \$30,000, and the funds will come from the \$130,000 set aside in the SWMO budget for the McMahan Outlet project.

Motion by Commissioner Vierling; and second by Commissioner Caselius to recommend to the Scott County Board to approve Budget Amendment: Reallocation of funds for pumping McMahan Lake up to \$30,000.

Motion Carried

Ayes: 5

Nays: 0

ADJOURN MEETING

Motion by Commissioner Shea and Second by Commissioner Vierling to adjourn the meeting at 5:08 PM. The motion carried unanimously.

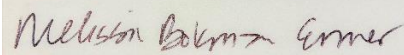


Rita Weaver

Chair, Watershed Planning Commission

11/13/2020

Date



Melissa Bokman Ermer

Sr. Water Resources Planner