

**PINE COUNTY SOIL AND WATER CONSERVATION DISTRICT  
MINUTES  
February 24, 2009**

The Pine County Soil and Water Conservation District Board of Supervisors held their monthly meeting on Tuesday, February 24, 2009. Supervisors present were Skip Thomson, Paul Olesen, Kelly Osterdyk, JJ Waldhalm and Doug Odegard. Office staff present were: Jill Carlier, District Manager; Tim Olson, Office Assistant; Robin Poppe, Resource Conservationist/Wetland Specialist; Mike Yrjo, Soil Conservation Technician; and Bob Korth, NRCS District Conservationist.

Also present were Joan Weyandt, BWSR; Julie Olson, DNR; Curt Rossow, Pine County Commissioner; David Koland, and Don Slama Sr.

**CALL TO ORDER:** Doug Odegard called the board meeting to order at 5:00 p.m.

**PUBLIC COMMENT PERIOD:**

Don Slama Sr. stated that the Water Plan Task Force meeting went well. The policy statement was presented to the Citizen Task Force and was voted on by the group to accept this as their policy statement.

Dave Koland stated that citizens are working together with the Water Plan Task Force and the Pine SWCD Board. A good relationship is being formed.

**APPROVAL OF AGENDA:**

Motion by Olesen, seconded by Thomson to approve the agenda with the additions of WCA Performance Board, Shallow Lakes Conference, and Poppe Vacation Request

Affirmative: Olesen, Osterdyk, Thomson, Waldhalm

Opposed: None                      Motion carried

**JANUARY MINUTES:**

Motion by Olesen, seconded by Waldhalm to approve the January minutes with the corrections of changing the meeting date from Dec 16, 2008 to Jan 27, 2009.

Osterdyk stated under Public Comment Period instead of escrow account, change to WCA performance Bond. Thomson stated under the WCA Discussion where Poppe states that the TEP is the check and balance for WCA. Thomson wants this on record that he doesn't believe Poppe can do both jobs, be on the TEP and do her WCA job without a conflict of interest.

Waldhalm stated there was lot of discussion about the appeals process that was left out.

Thomson brought us a packet determining the local government and their duties. It says the local government unit must establish a local appeal process that includes a public hearing before appointed or elected officials. The board discussed the fact that we do not have a local appeal process. Waldhalm stated he would like this added to the minutes.

Affirmative: Olesen, Osterdyk, Thomson, Waldhalm

Opposed: None                      Motion carried

**FEBRUARY PAYMENT OF BILLS:**

Motion by Thomson, seconded by Osterdyk to approve the February payments of bills, including a \$30,000 funds transfer. Carlier stated the reason it is so large is there is a soil survey payment due, and the payment from LCCMR went to the county instead of the district.

Affirmative: Olesen, Osterdyk, Thomson, Waldhalm

Opposed: None                      Motion carried

**COMPLETE COMMITTEE ASSIGNMENTS:**

Carlier stated there were 3 committee's assignments that still need to be filled.

Onanaegozie RC&D Council: Paul Olesen

MN Forestry: JJ Waldhalm

East Central Forest Landscape: JJ Waldhalm

**BWSR SUPERVISOR TRAINING:**

Carlier stated the training is Monday March 2nd. The location is at the Pine County Courthouse at 9:00a.m in the board room.

**INFORMATION REQUEST POLICY:**

Carlier stated this topic was discussed at the last meeting and was decided to bring it back to this meeting for further discussion.

Osterdyk stated that he and Waldhalm were going to be on the policy committee and meet with Carlier. A meeting has not been set yet.

**WCA PERFORMANCE BOND:**

Poppe stated she provided the board with a definition of what a performance bond is and also what the cost would be. Poppe contacted an insurance company and they explained how the price was determined. For every \$1,000 the insurance company would charge approximately \$15.00, this could vary \$5.00 either way.

Joan Weyandt stated that there are instances where it is required for on sight replacement.

Weyandt also brought the new draft rule, which is on the website. It is referenced in the new rule that it is not referred to as a performance bond but rather "financial assurance". She also stated that she has seen this done as a bond or a letter of credit from a bank. It is not all that uncommon, on larger projects especially when there is on-sight replacement. It can take up to 5 years to have a fully developed created or restored wetland. If it is a restoration, after 2 or 3 years you can see that it is headed in the right direction. Depending on the weather, it can take longer than 5 years. A shrub or a forested wetland would require a 10 year monitoring period.

Olesen stated this might be a good time to give the LGU back to the county.

Julie Olson stated that if you take an assured bond or a letter of credit from a land owner; and the landowner is not doing what they need to do, and the county pulls the letter of credit; the county is now responsible to use the money that was put up to finalize or complete the on-sight litigation. The landowner should take out enough credits whether it is a letter of credit, assured bond or a performance bond to finish the restoration project. If a landowner does not put up a letter of credit, assured bond or a performance bond and they have impacted the wetland it is a violation of WCA. At that point DNR enforcement steps in and issues a cease and desist order and goes after the land owner or applicant at a ratio of 2 to 1. If you are going to do a project, make sure you get enough credits to cover potential expenses.

Waldhalm questioned that if someone digs a wetland, does it take 5 years of monitoring to develop and determine what type of wetland it is.

Weyandt stated on average it takes 5 years to determine. If you are creating a wetland in an upland site, there has to be hydrology there.

Olson stated water creates an anaerobic condition to help start turning the upland soil into wetland soil which then will enhance and improve the vegetation to grow, and this does take time.

Thomson questioned when people create these banks, are the rules the same to create a bank or if someone wants to create their own wetland and do replacement. Are the rules the same because they are both creating a wetland?

Weyandt stated the rules are similar; creating a bank is a little more rigorous process than on sight.

Waldhalm questioned why aqua anaerobics thrive better in one area more than the other or are created faster in one than the other.

Weyandt stated aqua anaerobics conditions in the soil means that all the oxygen is out of the soil because the soil is saturated.

Poppe questioned if we had a performance bond for a project we could either pull the bond or turn it over to enforcement. If we felt the bond wasn't sufficient to cover the cost of a wetland and then turned it over to enforcement, we would not be held responsible for that wetland being created. Financially we would not be held responsible.

Olson stated that was correct. You would give the money back over to the violator and then turn the case over to enforcement and you are removed from the project. Olson also stated she monitors where people are at with their litigation sites because historically they do not compile them.

Weyandt stated there is a new rule that is on the governor's desk. If he approves it then there will be an administrative law judge review. There will be public comment period in March during that review process.

Waldhalm would like it in the minutes that we would like to be notified of dates and locations of the public comment period.

Motion by Olesen, seconded by Thomson to table this issue

Affirmative: Olesen, Osterdyk, Thomson, Waldhalm

Opposed: None                      Motion carried

#### **STATE COST SHARE:**

Carlier stated there are no cost share projects.

#### **NEW PLATBOOK:**

Carlier stated that we are on a 3 year cycle with the Pine County platbook. The next update would be 2010. There are 3 companies that we can use to print our platbook. The board reviewed bids from Cloud Cartographics, Rockford Map, and Farm and Home Publishers.

Motion by Olesen, seconded by Waldhalm to hold off another year before ordering new platbooks, due to the economy.

Affirmative: Olesen, Osterdyk, Thomson, Waldhalm

Opposed: None                      Motion carried

#### **ONANAEGOZIE RC&D PROJECT SUPPORT:**

Commissioners Rossow stated that Onanaegozie RC&D is looking into a revitalization project (affordable housing) in Willow River, Rutledge, and possibly Sturgeon Lake. RC&D would like support from the county and the district. There is no cost to the county or the district. What they want to do is apply for a small city grant for Willow River, Rutledge and maybe Sturgeon Lake, for federal grant money of \$800,000. Lakes and Pines in Mora administer the grant.

Motion by Olesen, seconded by Waldhalm to approve requesting for the RC&D apply for this grant.

#### **STAFF TRAINING REQUESTS:**

Carlier stated there are 3 trainings coming up. The first request is for Poppe to attend The New 87 Manual Wetland Delineation Supplement Training. It will be held in Cloquet on June 15th at a cost of \$25.00.

Motion by Olesen, seconded by Osterdyk to approve Poppe's training on June 15th at a cost of \$25.00  
Affirmative: Olesen, Osterdyk, Thomson, Waldhalm  
Opposed: None Motion carried

The second request is for Martin to attend the The New 87 Manual Wetland Delineation Supplement Training. It will be held in Cloquet on June 15th at a cost of \$25.00.

Motion by Olesen, seconded by Osterdyk to approve Martin's training on June 15th at a cost of \$25.00  
Affirmative: Olesen, Osterdyk, Thomson, Waldhalm  
Opposed: None Motion carried

The third request is for Martin to attend The National Seminars Group Time Management and Organizational Skills Training. It will be held in St Cloud at a cost of \$179.00

Motion by Olesen, seconded by Thomson to approve Martin's training at a cost of \$179.00  
Affirmative: Olesen, Osterdyk, Thomson, Waldhalm  
Opposed: None Motion carried

### **SHALLOW LAKES CONFERENCE:**

Carlier stated she provided information on the Shallow Lakes Conference. It will be held in Chaska on March 30th. If anyone is interested we need to register for the conference.

Motion by Thomson, seconded by Olesen not to send anyone to this conference.  
Affirmative: Olesen, Osterdyk, Thomson, Waldhalm  
Opposed: None Motion carried

### **DISTRICT CONSERVATIONIST REPORT:**

Korth reviewed the attached report.

### **STAFF/SUPERVISOR REPORTS:**

#### **Wetlands:**

Poppe stated there was a TEP meeting on February 17th and provided the minutes to the board. Waldhalm questioned whether there was an exemption for maintenance on sewers. Replacement of existing sewer ponds is necessary due to sinkholes. Poppe stated the city will not repair the existing sewer pond. They will construct new sewer ponds. Waldhalm questioned why the city has to pay for this. Olesen stated this is the rule. Poppe stated the next TEP meeting is on March 17th. She sent the consultants a letter requesting the information the TEP wanted.

#### **Water Management:**

The Annual Water Plan Task Force Meeting was held on February 20th. The Working Group has gone through all the objectives from the old book that hadn't been addressed yet. These have been added to the priority concerns for the new book. The list of concerns will be sent out to the working group and they will prioritize them within each category.

#### **Forestry:**

Carlier stated there will be a meeting in March.

#### **Impact 6:**

Osterdyk stated there will be a meeting on March 9th & 17th

### **Snake River Citizen Advisory Committee:**

Olesen stated they are working with the city of Pine City on street reconstruction and adding rain gardens to try and mitigate the impact of the run-off into Snake River and Cross Lake. Next year we will be holding the Minnesota Association RC&D Onanaegozie meeting.

**Legislative:**

Osterdyk stated that he and Odegard and Waldhalm met with Tim Faust, Tony Lourey and Bill Hilty and gave them a brochure that our association put together.

**Personnel:**

Nothing at this time.

**Policy:**

Carlier stated we could not get together in February to meet. We will try to meet in March.

**Trees:**

Olson stated there are 112 tree orders as of today.

**MISC ITEMS:**

Poppe is requesting leave April 6th – 9th 2009.

Motion by Olesen, seconded by Thomson to approve Poppe leave request April 6th – 9th 2009.

Affirmative: Olesen, Osterdyk, Thomson, Waldhalm

Opposed: None                      Motion carried

**NEXT MEETING DATE & TIME:**

Motion by Olesen seconded by Thomson to hold the next meeting on March 24th, 2009 at 4:30p.m.

Affirmative: Olesen, Osterdyk, Thomson, Waldhalm

Opposed: None                      Motion carried

**ADJOURNMENT:**

Motion to adjourn the meeting at 6:35 p.m. by Odegard

Affirmative: Olesen, Osterdyk, Thomson, Waldhalm

Opposed: None                      Motion carried

Respectfully submitted,

Paul Olesen, Secretary