



# BROWN'S CREEK WATERSHED DISTRICT

1380 W Frontage Rd, Highway 36, Stillwater, MN 55082 Tel: 651-275-1136 x26 Fax: 651-275-1254

1 **Minutes of the Regular Meeting of the Brown's Creek Watershed District Board of**  
2 **Managers, January 18, 2006.**

3  
4 **WCD Offices, 1380 W. Frontage Road, Hwy. 36**  
5 **Stillwater, MN**

**APPROVED**

6  
7 **ROLL CALL**

8 Present: Craig Leiser, President  
9 Gail Pundsack, Vice President  
10 Connie Taillon, Treasurer  
11 Gerald Johnson, Secretary  
12 Rick Vanzwol

Others Present: Karen Kill, WCD, Administrator  
Chuck Holtman, Smith Partners  
Camilla Correll, EOR  
Pat Conrad, EOR  
Ryan Fleming, EOR  
Kim Grosenheider, Recording  
Secretary  
Brad Hinseth, City of Grant WD  
Liaison  
Dave Fabio, Stillwater Resident  
Rich Meyer, Stillwater Resident  
Nedra Meyer, Stillwater Resident  
Don Peterson, Stillwater Resident  
Richard Huelsmann, Stillwater  
Resident  
Tom Henderson, Stillwater  
Resident

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25  
26 **1) Call to Order**

27 President Leiser called the Regular Meeting to order at 6:33 p.m.

28  
29 **2) Approve Agenda and Discussion Agenda**

30 Administrator Kill requested the addition of item 9e, website domain name to the agenda.  
31 President Leiser proposed to add a discussion of the Metro MAWD meeting and county baseline  
32 monitoring if time permitted.

33  
34 **Manager Vanzwol, seconded by Manager Johnson moved to approve the amended agenda.**  
35 **Vote 5/0.**

36  
37 **3) Election of Officers**

38 **Manager Vanzwol, seconded by Manager Johnson moved to continue the current slate as**  
39 **enacted. Vote 5/0.**

40

- 1 4) **Approve minutes of the Annual and December 12, 2005 Regular Board Meeting – Board Action**  
2 Administrator Kill reviewed with the Board changes to the Annual and December 12, 2005 Regular  
3 Meeting’s minutes.  
4 **Manager Pundsack, seconded by Manager Vanzwol moved to approve the amended Annual**  
5 **and Regular December 12, 2005 minutes. Vote 4/0. Manager Johnson abstained due to his**  
6 **absence at the December Meetings.**  
7

- 8 5) **Treasurer’s Report- Current Items Payable-Board Action**  
9 Manager Taillon reported current items payable of \$28, 150.66. The District will have \$345,810.87  
10 remaining after the payment of expenditures.  
11

12 **Manager Taillon, seconded by Manager Johnson moved to authorized payment of items**  
13 **payable as presented. Roll Call Vote 5/0.**  
14

15 **6) Permit/Rules**

16 **a) BCWD Permit #04-03 Long Lake Outlet-Amended Channel Dredging – Board Action**

17 Ryan Fleming, from EOR, reviewed City of Stillwater’s request to amend permit #04-03. The  
18 City of Stillwater proposed to dredge a channel in the southern wetland of Jackson WMA (DNR  
19 82-305W) to allow freer flow. The City of Stillwater is also including the excavation of a small  
20 area in front of the Long Lake outlet (DNR 82-21P) to allow freer flow to the newly installed  
21 weir overflow structure.  
22

23 Administrator Kill informed the Board of the DNR’s decision regarding the permit amendment,  
24 which reduced the dredging to Station 1+50 on the plans submitted with the amendment request.  
25 Administrator Kill read a letter from Mr. Don McKenzie, who was unable to attend, stating  
26 concern with the excavation in front of the weir structure as he is in current dispute with the City  
27 of Stillwater regarding the property ownership. An email from Joe Arndt was also read indicating  
28 his recommendation for additional permit requirements.  
29

30 Chuck Holtman, District Legal Counsel, explained that the Board is not responsible for  
31 conducting property rights determination and instead can only comment on the permit itself. Mr.  
32 Holtman added that it is the permit holder’s responsibility to prove property rights and the Board  
33 must disregard this issue when considering the decision of the permit.  
34

35 Nedra Meyer, resident of Long Lake, shared enthusiasm towards the permit’s goals of clearing  
36 sediment and ensuring free water drainage from the lake.  
37

38 Tom Henderson, District resident, questioned the Board about the downstream impacts from  
39 quicker water drainage from Long Lake. President Leiser responded to Mr. Henderson that  
40 downstream topography to the diversion structure has a very shallow slope and the channel is  
41 heavily vegetated therefore flow is relatively slow and the impact would not be great.  
42

43 Richard Huelsmann, resident of Long Lake, shared his support of the permit. Mr. Huelsmann  
44 then stated his hope that the City of Stillwater will complete the entire project as originally  
45 designed; including the removal of the weir at County Road 12 and no additional unnecessary  
46 resources to be spent on this issue.  
47

1 Administrator Kill reminded the Board that the permit is not asking for removal of the weir at  
2 County Road 12 but is only requesting an amendment to a previous permit.  
3

4 Don Peterson, resident of Long Lake, suggested the Board consider approving the permit but ask  
5 the City of Stillwater its intentions as to why the removal of the County Road 12 weir was not  
6 completed as originally designed.  
7

8 The Board discussed the possibility of adding the removal of the weir at County Road 12 as a part of the  
9 amendment to the permit. Chuck Holtman said that if removal of the weir was not a required condition of  
10 the original permit to achieve compliance with District Rules, it could not be added as a condition of the  
11 amended permit.  
12  
13

14 **President Leiser, seconded by Manager Vanzwol moved to approve the permit subject to**  
15 **recommendations 1 and 2 in the permit amendment review: [1) implementation scope and**  
16 **schedule and 2) identification of spoil pile disposal location. The Board strongly**  
17 **recommends the complete removal of weir at County Road 12 to bring conditions within**  
18 **original agreement and the successful completion of DNR requirements. In addition, staff**  
19 **will work with legal counsel on a letter to be sent to the City suggesting the City resolve the**  
20 **land dispute issue or take action at own risk. Vote 5/0.**  
21

22 **b) Rule Revision - Land Locked Basin Policy**

23 Camilla Correll summarized the Land Locked Basin Policy to the Board, which includes  
24 definitions and methodologies of how land locked basins are determined. The District Engineer  
25 recommended the District establish landlocked basins and high water levels using the 100 yr, 10-  
26 day rainfall event (10.8 inches) and starting water levels identified in the point file for the  
27 Washington County 2000 topographic survey. The proposed regulation would establish a 3-foot  
28 freeboard between the lowest floor elevation and the 100-year 10-day high water level elevation  
29 for any new development. Proposed development would maintain pre-development rate and  
30 volume of stormwater for the two, ten and 100-year 24 hour rainfall events. Complete  
31 recommendations are presented in document "Brown's Creek Watershed District Land Locked  
32 Basin Policy".  
33

34 The Board requested the Land Locked Basin Policy be shared with May Township and the cities  
35 of Grant and Hugo for their comments before Technical Advisory Committee discussions begin.  
36 Remaining work on the policy will fall under funding from the rule revision budget.  
37

38 **7) Project Review and Updates**

39 **a) Third Generation Watershed Management Plan – Board Action**

40 **• Scope & Timeline for Board Approval**

41 Camilla Correll summarized the Third Generation Watershed Management Plan timeline by  
42 briefly describing the overall process of a 60-day review, 30-day Brown's Creek Watershed  
43 District comment period, public hearing, 45-day review, final Brown's Creek Watershed  
44 District changes/responses, 60-90 day BWSR review/approval and completion of  
45 Management Plan in February or March of 2007.  
46

1 Chuck Holtman expressed concerns with timeline going into 2007. If the District would like  
2 to do 2007 projects, the District will need to budget and levy funds in 2006, which would  
3 require an interim plan amendment in 2006.  
4

5 Manger Vanzwol suggested that draft documents could be circulated directly to Board and  
6 comments sent to the staff prior to Board meetings. He also suggested that a second Board  
7 meeting per month would help fulfill the aggressive timeline. The Citizen Advisory  
8 Committee may also need to meet twice a month.  
9

10 Administrator Kill stated that the Citizen Advisory Committee (CAC) had begun  
11 brainstorming on the District's vision statement and issue statements. There was some  
12 question as to the role of the CAC. Administrator Kill asked the Board what their  
13 expectations are of the CAC.  
14

15 Manager Taillon suggested that time is the biggest challenge for CAC, and that it is difficult  
16 to discuss technical information if citizens are not at the same knowledge level.  
17 Administrator Kill announced that at the next CAC meeting a 45-minute presentation of  
18 watershed management concepts would be presented to supplement knowledge level.  
19

20 The Board discussed the roles of the Citizen and Technical Advisory Committees. It was  
21 suggested that the CAC address content, specific draft language, and priority of issues. It was  
22 also suggested that the CAC identify neighborhood specific concerns, and what they envision  
23 for their future. Administrator Kill suggested that CAC advise "what to do" and TAC advise  
24 "how to do it". Manager Vanzwol expects CAC to look for ideas not thought of by Board  
25 members. Chuck Holtman suggested the Board address the scale of advice from CAC and  
26 TAC such as watershed whole or specific local issues. President Leiser suggested that CAC  
27 should tell the Board what they are missing or overlooking and assign priorities to issues.  
28 Tom Henderson, resident of Long Lake, suggested the Board ask the CAC specific real-life  
29 questions such as, their thoughts of how the Board should respond to a developer's  
30 application to construct a lake. In addition, the Board should explain disparities in budgets  
31 between developers and the watershed districts. President Leiser reiterated Mr. Henderson's  
32 point that developer's budget and therefore actions are partially controlled by rules developed  
33 with the CAC and TAC inputs.  
34

35 Camilla Correll explained the scope of the rule review process by briefly describing the  
36 following tasks:

- 37 Tasks 1- Public Involvement and Development of Issues of Statements
- 38 Task 2- Inventory and Assessment of Resources
- 39 Task 3- Establishment of Goals and Policies
- 40 Task 4- Develop Implementation Program
- 41 Task 5- Develop Draft Watershed Management Plan
- 42 Task 6- Formal Plan Review Process
- 43 Task 7- Meetings  
44

45 President Leiser explained that the four planned TAC and CAC meetings would not be  
46 enough and instead six or seven meetings would be needed with the addition of two Board

workshops to the scope. Camilla Correll will re-budget to include the additional TAC, CAC, and Board meetings. A revised scope will be presented at the February meeting.

**President Leiser, seconded by Manager Vanzwol moved to authorize Administrator Kill and District Engineer to determine funding availability to cover these additional scope activities in excess of \$40,000. Vote 5/0.**

The 2006 Budget will be presented at the February meeting in order for the Board to authorize reallocation of funds.

**b) Long Lake Management Plan –**

**▪ Determine Community Advisory Task Force Composition – Board Action**

Administrator Kill suggested that a 6-10 landowner committee make up the community advisory task force and asked the Board how the task force should be assembled.

President Leiser suggested creating a mailing list from attendees of previous City of Stillwater meetings addressing Long Lake issues to invite participants. The Board recognized that the effort primarily concerns water quantity issues and therefore the task force should represent the entire subwatershed. The Board discussed the possibility of having representatives from different sub-watersheds .

All meetings will be posted on the Brown's Creek website. President Leiser will join the meetings to act as a Liaison and assist in the selection of task force members.

**▪ Long Lake Stakeholder Meeting #1: Thursday, January 26, 2006 2:30-4:30 p.m.**

Administrator Kill told the Board that the first stakeholder meeting will be held on January 26<sup>th</sup> from 2:30 to 4:30 with the cities of Stillwater, Oak Park Heights, Lake Elmo, Washington County, MN DNR, and MN DOT invited. Results of this meeting will be presented to the Board at the February meeting. Administrator Kill will publicly post the meeting.

**c) Drainage from Washington County Road 15 – Modeling Results Presented by EOR**

Ryan Fleming summarized to the Board issues, modeling results of stormwater drainage from Washington County Road 15 and purposed changes, which allow for 50-88% reductions in peak flow. Administrator Kill and the District Engineer met earlier in January with representatives from the Washington County transportation department to discuss the results. The County appeared to receive the suggestions favorably and will notify the District of its intentions.

**8) Old Business**

**a) Washington Conservation District 2006-07 Contract for Services – Board Action**

President Leiser suggested that the word “services” be added to page five, Exhibit A, Task 1. The first sentence should now read “The WCD will provide administrative *services* to the Watershed District.”

**Manager Taillon, seconded by Manager Johnson moved to approve the 2006-07 contract for services with the Washington Conservation District as amended. Vote 5/0.**

**b) Audio Recording/Revised Data Practices Act Policy – Resolution No. 06-01 - Board Action**

1 Chuck Holtman explained the memo regarding audio recording of BCWD Board meetings. The  
2 Board is not legally required to make verbatim recordings; however, if it does so, under the MN  
3 Data Practices Act (DPA) the recording, duplicates and transcripts are public records that any  
4 interested party may listen to or copy. Mr. Holtman listed some potential benefits or  
5 disadvantages of audio recording of meetings, recommending that the potential disadvantages  
6 are small and outweighed by the benefits.

7 **Manager Vanzwol, seconded by Manager Johnson moved to allow audio recording of**  
8 **Watershed District Meetings.**  
9

10 The Board discussed advantages and disadvantages of recording meetings. Manager Pundsack  
11 voiced concerns about audio recording hindering sharing of ideas and the possibility of  
12 phrases/words being taken out of context.

13  
14 Call for the vote: **Roll Call Vote: Manager Pundsack- no, Manager Johnson no, President**  
15 **Leiser- no, Manager Taillon- no, Manger Vanzwol- yes. Audio recording is voted down.**  
16 **Vote 1/4.**  
17

18 Chuck Holtman suggested the Board allow audio recording for some specific hearings, such as  
19 final rules adoption, permit hearings, etc. Manager Pundsack will draft a policy to be brought  
20 before the Board for consideration.  
21

22 c) **Mileage Rate Policy – Resolution No. 06-02 – Board Action**  
23 **President Leiser, seconded by Manager Vanzwol moved to accept proposed Mileage rate**  
24 **Policy as presented in Resolution No. 06-01. Roll Call Vote 5/0.**  
25

26 d) **CAC Meeting Update/ Approve Membership – Board Action**  
27 Manager Vanzwol shared with the Board a description of the citizen advisory committee  
28 members.  
29

30 **President Leiser, seconded by Manager Taillon moved to accept the following CAC**  
31 **members: Jim Bradshaw, Norman Lee Busse, Gary Faust, Tom Henderson, Iona Holsten,**  
32 **Richard Huelsmann, Marvin & Paulette Jones, Dan Kalmon, Don McKenzie, Lee Miller,**  
33 **Carol & Perry Parendo, Bill Pelfrey, and Karen & Paul Richtman. Vote 5/0.**  
34

35 e) **BMP Program-Review CAC recommendations**

36 ○ **Grant Information Brochure – Board Action**

37 Administrator Kill reviewed the Brown's Creek Watershed District Water Quality Cost-  
38 Share Grants brochure. The Board suggested that the District website be added to the  
39 brochure. **President Leiser, seconded by Manager Vanzwol moved to approve the**  
40 **brochure as amended. Vote 5/0.**  
41

42 ○ **Program Priority Areas – Board Action**

43 Administrator Kill reviewed CAC recommendations for BMP Program priority areas.  
44 Based on the CAC recommendations, the Board decided to prioritize for the following  
45 areas: existing residential properties, MPCA listed impaired waters, highly visible areas  
46 and places where there is high collaboration.  
47

1           ○ **Grant Agreement –discussion**

2           Administrator Kill suggested that a sign be displayed on-site for projects with public  
3           visibility and access to site be allowed for a directed tour. Legal counsel was directed to  
4           compose a draft grant agreement for the next Board meeting.  
5

6 **9) New Business**

7       a) **Selection of Auditing Services – Board Action**

8       Manager Pundsack, seconded by Manager Taillon moved to approve Tautges Redpath, Ltd.  
9       for the District’s auditing services and designate Administrator Kill as the District’s contact  
10       person. Vote 5/0.  
11

12       b) **Document Retention Schedule – Discussion**

13       Administrator Kill explained the need for a document retention schedule.

14       Manager Vanzwol, seconded by President Leiser moved to allow Administrator Kill to  
15       work with legal counsel to create a retention schedule document. Vote 5/0.  
16

17       c) **Consultant Availability to Public – Discussion**

18       Administrator Kill explained recent issues with allowing the public full access to District’s  
19       consultants. President Leiser suggested the public must go through administrator to get board  
20       approval to bill time over 5 minutes for their questions or must agree to pay for consultant’s time  
21       themselves.

22       Manger Vanzwol, seconded by Manager Johnson moved to allow Administrator Kill and  
23       Legal Counsel to create a policy statement addressing consultant availability to be  
24       presented at the February Meeting. Vote 5/0.  
25

26       d) **Website Domain Name Renewal – Board Action**

27       President Leiser, seconded by Manager Vanzwol moved to authorize the continuation of the  
28       BCWD.org domain name for an additional nine-year commitment. Vote 5/0.  
29

30       e) **February 2006 BCWD Board Agenda**  
31

32 **10) Discussion Agenda- No action required**

33       a) **Permit Review**

- 34           • **Current Inspection Update**

35       b) **Project Review and Updates**

- 36           1) **Kismet Basin- Manure Spreading**  
37           2) **Bradshaw Infiltration Pond**

38       c) **Subcommittee updates**

39       d) **Communications & Reports**

- 40           ▪ **MPCA’s 2006 Impaired Waters Listing**  
41           ▪ **MECA 17<sup>th</sup> Annual Conference: March 9-10, 2006**  
42           ▪ **2006 Board Meetings & Times**  
43

44 **11) Adjournment**

45       Manager Johnson, seconded by Manger Taillon moved to adjourn at 11:02 p.m. Vote 5/0.  
46

47 Minutes prepared by Kim Grosenheider, Recording Secretary.