



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, February 13, 2006.

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

APPROVED

6
7 ROLL CALL

8 Present: Craig Leiser, President Others Present: Karen Kill, WCD, Administrator
9 Gail Pundsack, Vice President Louis Smith, Smith Partners
10 Connie Taillon, Treasurer Pat Conrad, EOR
11 Gerald Johnson, Secretary Ryan Fleming, EOR
12 Rick Vanzwol Kim Grosenheider, Recording
13 Secretary
14 Tom Henderson, Stillwater
15 Resident
16

17 1) Call to Order

18 President Leiser called the Regular Meeting to order at 6:37 p.m.

19
20 2) Approve Agenda and Discussion Agenda

21
22 Manager Vanzwol, seconded by Manager Taillon moved to approve the agenda. Vote
23 5/0.

24
25 3) Approve minutes of the January 18th, 2005 Regular Board Meeting- Board Action

26
27 Manager Johnson, seconded by Manager Pundsack moved to approve the January 18th
28 Regular Board Meeting minutes as amended. Vote 5/0.

29
30 4) Treasurer's Report:

31 Manager Taillon informed the board that the total items payable are in the amount of
32 \$51,986.73, leaving a total balance of \$264,262.11.

33
34 Manager Taillon, seconded by Manager Johnson moved to pay bills as presented. Roll
35 Call 5/0.

36
37 Manager Vanzwol, seconded by President Leiser moved that for the calendar year
38 2006, Manager Vanzwol will not be paid per diem for facilitating the Citizens' Advisory
39 Committee meetings. This specific motion does not change the standing policies of the

1 **Brown's Creek Watershed District regarding such payments for other Board Members**
2 **or other committees. Vote 4/0/1. Manager Vanzwol abstained due to his direct**
3 **involvement in the issue.**
4

5 **5) Permit/Rules**

6 **a) BCWD Permit #05-12 Sanctuary: Request for reduction in surety- Board Action**

7 As a part of BCWD Permit No. 05-12 for the Sanctuary development in the city of Lake Elmo, a
8 surety in the amount of \$416,255 was provided to the District in the form of the irrevocable letter
9 of credit number 103591-LC-1 from Citizens State Bank. The BCWD received a request from
10 the authorized agent, Todd Erickson from Folz, Freeman, Erickson, Inc to reduce the surety. Mr.
11 Erickson stated that at least 85% of the storm sewer is installed and at least 50% of the site has
12 been seeded and mulched. Mr. Erickson requested that the surety be reduced to a remaining
13 balance of \$82,525 for finalizing the project. The BCWD Engineer agreed with this assessment.
14

15 **President Leiser, seconded by Manager Vanzwol moved to reduce surety to the**
16 **remaining balance of \$82,525.00 for finalizing the project based upon and including**
17 **an attached recommendation from the District engineer. Vote 4/0/1. Manager**
18 **Taillon abstained due to her work as an engineer for the City of Lake Elmo.**
19

20 **b) Groundwater Dependent Natural Resource Protection & Volume Control SONAR**
21 **letter to SONAR participants- Board Action**

22 Administrator Kill reviewed a letter drafted for other agencies that have expressed
23 interest in participating in the volume control and groundwater resource protection rules
24 statements of need and reasonableness (SONAR) development outlining the SONAR
25 process and request for information and comments within 30 days.
26

27 President Leiser stated that the rules are based on county groundwater rules/plan and
28 suggested that it would be helpful if rules were attached with the letter going to the
29 districts.
30

31 **President Leiser, seconded by Manager Vanzwol moved to approve the letter to be**
32 **sent out to potential contributors with the addition of ground water management**
33 **plan history and attached rules. Vote 5/0.**
34

35 **6) Project Review and Updates**

36 **a) Long Lake Management Plan- Modeling Results**

37 Pat Conrad, EOR, presented to the Board a brief history of Long Lake project history and
38 reviewed the water quality modeling results for the Long Lake subwatersheds. The
39 model was calibrated using surveys of the stormwater ponds, in-lake monitoring and two
40 inlet monitoring sites. Mr. Conrad shared that the model will be refined to include
41 municipality's street sweeping schedule. The Long Lake drainage was divided into 96
42 drainage areas and ten subwatersheds. The size of the subwatershed and phosphorus load
43 in pounds and pounds per acre was provided for each subwatershed. This data will be

1 used to determine how reductions in nutrient loads could affect the in-lake phosphorus
2 concentrations.

3
4 The Board made several observations from the map/table including which sites would be
5 good potential sites for BMP implementation and thus prioritize funding for these sites.
6

7 **b) Market Place Study Results-**

8 Ryan Fleming, EOR, shared with the Board the Market Place study modeling results.
9 The study was done to determine whether the area meets the BCWD Stormwater rules for
10 rate, water quality and bounce/inundation under ~~existing conditions~~, ultimate developed
11 conditions. Mr. Fleming stated that some subwatersheds of the Marketplace area will not
12 meet the District Rules under fully developed conditions. Incorporating the pond
13 enhancements proposed in the 1999 Market Place Surface Water Study will bring all but
14 one subwatershed into compliance for water quantity under fully developed conditions.
15 ~~does not meet District stormwater rules under existing or fully developed conditions-~~ He
16 explained that the remaining non-compliant subwatershed drains to a pond that, with
17 proposed pond modifications, will reduce peak rates below existing conditions. ~~gave~~
18 ~~suggestions for how the stormwater system could be modified to meet District rules.~~
19 Ryan also explained that there may be some ponds that have additional bounce potential
20 that could be taken advantage of via outlet restrictions. The results will be compiled into
21 a formal report and will be presented to the Board at the regular March Board meeting.
22 The Board will revisit the issue and discuss setting up a working group with the City of
23 Stillwater to discuss the results.
24

25 The Board suggested that Mr. Fleming put together a formal report of this data to be
26 discussed at the March 13th meeting and after that a working group with the City of
27 Stillwater be set up.
28

29 **Recess 8:00-8:07 pm**
30

31 **c) BMP Program:**

32 **▪ Marketing Scope- Board Action**

33 Administrator Kill reviewed with the Board previous discussions of the BMP program
34 and reviewed a scope for program marketing costs. Staff suggested a direct mailing to
35 all residential properties within 300 feet of a MPCA listed impaired water body,
36 producing approximately 400 mailings within the District that would consist of a grant
37 brochure and BMP fact sheet to notify residents of potential projects. Administrator
38 Kill estimated the costs to be \$730 for direct mailing. In addition to direct mailings, it
39 was suggested that the information also be put on the District website and that press
40 releases be sent to community papers and newsletters. Signs would be placed at each
41 selected project site with the property owners' approval.
42

1 **Manager Johnson, seconded by Manager Vanzwol moved to approve the**
2 **marketing scope as presented, but not to exceed the \$1000.00. Vote 5/0.**
3

4 The Board discussed using before and after pictures in the BMP flyer and making some
5 minor wording changes.
6

7 **Manager Vanzwol, seconded by President Leiser moved to table the conclusive**
8 **language of the BMP flyer until the special Feb Meeting. Vote 5/0.**
9

10 **▪ Cost-Share Agreement- Board Action**

11 The Board will need to determine what level of involvement the District should
12 provide. For example, the District could do the entire design and hand it over to the
13 landowner to install on their own, whether they decide to hire a contractor or do the
14 work themselves. The District could design and oversee the installation. Administrator
15 Kill informed the Board that several other cost-share programs in the County, such as
16 the Washington Conservation District, Carnelian-Marine Watershed District, and state
17 cost-share, all assist the landowners with the design, preparation of bid documents,
18 oversee the installation with the landowner or landowner selected contractor, and
19 provide follow-up monitoring of the project post-installation. President Leiser
20 suggested that initial programs be more hands-on and after several ~15 projects then a
21 more hands-off approach with contractors. Manager Vanzwol stated that enough over-
22 site is necessary for successful projects.
23

24 Administrator Kill with the help of Legal Council will revise a draft agreement and
25 bring it back to the March meeting for Board consideration.
26

27 **Manager Vanzwol, seconded by President Leiser moved to table cost-share**
28 **agreement until the March regular meeting. Vote 5/0.**
29

30 **d) Wetland Function & Value Assessment Results**

31 Pat Conrad from EOR explained the results of 164 more wetlands being added as a result
32 of a reclassification of minimum wetland size from 2.5 acres down to 1 acre. Mr. Conrad
33 suggested that the next step would be to apply new management strategy for buffers, etc.
34 and look at how lakes and large wetlands are being classified.
35

36 **7) Old Business**

37 **a) Consultant Availability to Public- Resolution No. 06-02- Board Action**

38 Administrator Kill reviewed resolution no. 06-02 with the Board, which would add a
39 policy that a district consultant is not authorized to perform work prompted by a request
40 directly from a member of the public without authorization by the Board or a
41 determination by the Administrator that the work falls within the consultant's retainer, a
42 previously Board approved activity or a billable permit activity.
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Manager Vanzwol, seconded by President Leiser moved to table resolution no. 06-02 for the March meeting to allow for edits. Vote 5/0.

- 1
2 **b) Correction to Washington Conservation District Contract for Service- Board Action**
3 Administrator Kill notified the Board that the previously approved WCD contract for
4 services has an error in Section E. The contract was intended to be a two-year contract
5 and the Administrative Services two-year cost should have been listed. The following
6 change was requested: "The total staff and expenses for [Exhibit A] are estimated to be
7 \$70,300 per year. The two-year total is estimated to be \$140,600."

8
9 **Manager Vanzwol, seconded by Manager Pundsack moved to approve the contract**
10 **with the clarification to Section E to include "The total staff and expenses for**
11 **[Exhibit A] are estimated to be \$70,300 per year. The two-year total is estimated to**
12 **be \$140,600." Vote 5/0.**
13

14 **8) New Business**

- 15 **a) Set Date for Special Meeting for Rule Revisions and Third Generation Management**
16 **Plan- Board Action**

17 Administrator Kill suggested that a special meeting be scheduled for Thursday, February
18 23rd, 2006 to discuss the Third Generation Watershed Management Plan and rule
19 revisions. **President Leiser, seconded by Manager Vanzwol moved to schedule the**
20 **special meeting for Thursday February 23rd, 2006 at 6:30pm. Vote 5/0.**
21

- 22 **b) League of MN Cities Insurance: Waiver of Statutory Limit- Board Action**

23 Louis Smith explained state statute monetary limits on municipal tort liability and the
24 repercussions of waiving this limit. **President Leiser, seconded by Manager Vanzwol**
25 **moved to NOT waive the monetary limits on municipal tort liability established by**
26 **Minnesota Statutes 466.04. Vote 5/0.**
27

- 28 **c) Family Means- Waiver of Liability for Use of Family Means Space- Board Action**

29 Administrator Kill suggested to the Board that the CAC meet at the Family Means
30 facility. **Manager Vanzwol, seconded by Manager Taillon moved for the adoption of**
31 **the waiver of liability for the use of the Family Means space. Vote 5/0.**
32

- 33 **d) MECA Conference: March 9-10, 2006: Administrator Attendance- Board Action**

34 Administrator Kill gave details of the MECA conference. **Manager Vanzwol, seconded**
35 **by Manager Pundsack moved to authorize Administrator Kill to attend and allow**
36 **for the payment of half of the registration fee, with the other half to be received**
37 **from the Washington Conservation District. Vote 5/0.**
38

- 39 **e) MAWD Legislative Breakfast: 7-9:30 a.m. on Thursday, March 23, 2006- Board**
40 **Action**

41 **President Leiser, seconded by Manager Vanzwol moved to authorize Manager**
42 **Johnson and Administrator Kill to attend the Legislative Breakfast. Vote 5/0.**
43

1
2 **f) March 2006 BCWD Board Agenda**
3

4 **9) Discussion Agenda- No Action Required**

5 **a) Permit Review**

- 6 ▪ **Current Inspection Update**
- 7 ▪ **Costa CUP amendment- No permit required**

8
9 **b) Project Review and Updates**

- 10 ▪ **Status of County culvert repair at THPP**
- 11 ▪ **Kismet Basin manure removal**
- 12 ▪ **County Road 15 and DeWolf flooding issue**

13
14 **c) Subcommittee Updates**

15 Administrator Kill updated the Board of the success of the last CAC meeting.

16
17 **d) Communications & Reports**

- 18 ▪ **Metropolitan Council 2004 Stream Monitoring and Assessment Report**
- 19 ▪ **Valley Branch Watershed District 2005-2015 Watershed Management Plan**
- 20 ▪ **Watershed District Handbook**

21
22 **10) Adjournment**

23 **Manager Vanzwol, seconded by Manager Johnson moved to adjourn at 9:44 pm. Vote**
24 **5/0.**

25
26 **Minutes prepared by Kim Grosenheider, Recording Secretary.**
27