

BROWN'S CREEK WATERSHED DISTRICT

1380 West Frontage Road, Hwy 36, Stillwater, MN 55082
Tel: 651-275-1136 ext. 26 Fax: 651-275-1254

APPROVED

1
2 **Minutes of the Regular Meeting of the Brown's Creek**
3 **Watershed District Board of Managers, March 13,**
4 **2006.**

5
6 **WCD Offices, 1380 W. Frontage Road, Hwy. 36**
7 **Stillwater, MN**

8
9 **ROLL CALL**

10 Present: Craig Leiser, President
11 Gerald Johnson, Secretary
12 Connie Taillon, Treasurer
13 Rick Vanzwol

Others Present: Karen Kill, WCD, Administrator
Chuck Holtman, Smith Partners
Pat Conrad, EOR
Ryan Fleming, EOR
Camilla Correll, EOR
Klayton Eckles, City of Stillwater
Tom Henderson, Resident
Ed Otis, Resident
Martha Steinhart, Temporary Recording Secretary

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20 Absent: Gail Pundsack, Vice President

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22
23 **1. Call Regular Meeting to order**

24 President Leiser called the Regular Meeting to order at 6:35 p.m.

25
26 **2. Approve Regular Meeting Agenda and Discussion Agenda**

27 **Manager Johnson, seconded by Manager Vanzwol, moved to approve the agenda. Vote 4/0.**

28
29 **3. Approve minutes – Board Action**

- 30 ○ February 13, 2005 Regular Board Meeting

31 **Manager Vanzwol, seconded by Manager Taillon, moved to approve the February 13, 2005 regular Board**
32 **Meeting minutes as amended. Vote 4/0.**

- 33
34 ○ February 23, 2006 Special Board Meeting.

35 **Manager Vanzwol, seconded by President Leiser, moved to approve the February 13, 2005 regular Board**
36 **Meeting minutes as amended. Vote 4/0.**

37
38 **4. Treasurer's Report**

- 39 ○ Review Authorized Funds Spreadsheet
40 The use of a carryover column was discussed.

- 41 ○ Current Items Payable - **Board Action**

42 Manager Taillon informed the board that the total items payable are in the amount of \$40,471.11. **Manager**
43 **Taillon, seconded by Manager Vanzwol, moved to pay bills as amended. Roll call 4/0/1. Manager Pundsack**
44 **was absent.**

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1
2 5. **Permit/Rules**

3 a) **Stillwater Stormwater Facility Maintenance Agreement – Board Action**

4 Motion to table until Klayton Eckles arrives.

5 **Klayton Eckles, City of Stillwater, arrived. Manager Vanzwol, seconded by President Leiser, moved to**
6 **untable the items. Vote: 4/0.**

7 Administrator Kill discussed the history of the potential cooperative agreement with the City of Stillwater to take
8 over maintenance responsibility of stormwater management facilities within the City rather than having a
9 developer record a separate maintenance declaration with the County. Settler's Glen contains a number of
10 stormwater management facilities. The developer has an agreement with the City to turn over the maintenance of
11 these facilities to the City. Should the declaration for stormwater facilities maintenance be pursued with the
12 developer, the homeowners association, or execute an agreement with the City of Stillwater to ensure that the
13 facilities will be maintained according to BCWD standards and rules?

14
15 Klayton Eckles stated that the City wishes to have the maintenance strategy work for all basins within the City. He
16 stated that the City is not trying to avoid responsibility, but that it does not want special rules for five ponds within
17 the BCWD. One of the City's concerns with the BCWD stormwater facility maintenance terms is that the City
18 does not have a volume control standard and they do not want to be held responsible for maintaining to the BCWD
19 standards. The City designed and implemented the TSMP to handle the City's volume up to the 1.5-year storm
20 event to protect Brown's Creek. The cooperative agreement between BCWD and the City makes developers
21 exempt from volume control within these expansion areas. The City doesn't think infiltration is a viable option
22 long-term, although it is supportive of infiltration. Klayton Eckles commented that the City is not willing to take
23 on anything new in the next 12 months while the City begins to work on its MS4 permit and their local surface
24 water management plan. The City will continue to inspect and maintain as it is currently doing. The City of
25 Stillwater had been waiting for all Watershed Districts/WMO's to have a management plan before doing a local
26 surface water management plan and will begin to work on it. Once these planning efforts have taken place, the
27 City will be in a better position of knowing what additional inspection and maintenance it can afford. Mr. Eckles
28 also stated that it may take significant time to train staff to implement the increased inspection, maintenance and
29 reporting.
30

31 The Board stated that responsibility for maintenance of all infiltration ponds that come into existence by the time
32 the City of Stillwater reaches its maximum geographic expansion should be clearly established by the City and
33 Brown's Creek Watershed District. The BWCD Board understands the City's desire for one maintenance standard
34 for the entire city. The Board understands that the City of Stillwater will need to prepare an MS4 permit and a
35 local surface water management plan within the next year; therefore, an enforceable interim agreement would be
36 acceptable. Pat Conrad noted that there will be some differences in maintenance practices and techniques for
37 facilities that provide volume control. There will not be one standard. Camilla Correll suggested that BCWD
38 participate in construction observation to ensure that these infiltration practices are constructed properly.
39

40 A resident of Stillwater Township, Ed Otis, felt an agreement with the City should be very specific as to the
41 requirements so that the City could not change things later.
42

43 **President Leiser, seconded by Manager Johnson, moved to authorize legal counsel to draft a mutual letter of**
44 **understanding between the BCWD and the City of Stillwater. The engineers will determine the technical**
45 **requirements. President Leiser will not sign until advised by Administrator Kill that the engineers have**
46 **agreed upon the requirements. Vote 4/0.**
47

48 b) Millbrook Buffer

49 Klayton Eckles stated that the City desires a paved trail along the Brown's Creek corridor in the proposed
50 Millbrook development near Manning Ave and Hwy 96. The City has planned for a paved trail in the City's
51 Comprehensive Trail Plan. The City wants to include some mitigation approaches and work with the BCWD to
52 develop education opportunities and infiltration basins. Some areas might include demonstration rain gardens.
53 The trail would be sloped away from Brown's Creek and drain to nearby retention facilities or rainwater gardens or
54 other infiltration practices rather than the creek. The Millbrook development is in the preliminary plat approval
55 stage with the City and Klayton would like to incorporate the BCWD's input into this stage. A paved trail would
56 likely enter the BCWD buffer area, requiring a variance from the District's buffer rule. The Board has not yet

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1 reviewed the proposed development but stated that they could be supportive of the paved trail with mitigation.
2 The Board will consider a possible variance from the buffer rule with adequate restoration and mitigation when the
3 permit comes before them for review and approval.
4

5 *Recess 8:18-8:25 p.m.*
6

7 **c) Rule Revision – Review Scope – Board Action**

8 Administrator Kill informed the board that the rule revision scope was developed by legal counsel, engineers and
9 herself. All major rule sections have been covered; however, it does not include the groundwater rules for the
10 groundwater SONAR, which were budgeted for under a separate account in the 2006 budget. The City of
11 Stillwater has indicated in writing that it would like its surface water management plan to comply with BCWD's
12 rules and take responsibility for permitting. President Leiser stated that the City of Stillwater's ordinances are not
13 as stringent as BCWD's. This provides a level of urgency for BCWD to complete rule revision. All of the rule
14 revisions as stated will cost \$38,000 for engineering and a minimum of \$13,000 for legal counsel for a total of
15 \$51,000 to complete the process as directed by the Board. The current rule revision budget consists of \$16,000.
16

17 **President Leiser moved that the following amounts be reallocated from the following 2006 budget items to**
18 **the rule revision account 909-0000: from contingency reserve, \$1,500; from legal fees management plan 300-**
19 **4410, \$8,000; from fen management plan 918-0000, \$2,500; from groundwater program 919-000, \$10,000;**
20 **from the invasive species control program 928-0000, \$10,000. Reduce the sample sites under rule**
21 **development from two to one, which would reduce the rule revision scope total to \$48,000. Manager**
22 **Vanzwol seconded. Roll Call Vote: 4/0.**
23

24 **d) Administrative Rules & Review of Passed Resolutions – request to table – Board Action**

25 **Manager Vanzwol, seconded by Manager Johnson, moved that item be tabled until April meeting. Vote 4/0.**
26

27 **6. Project Review and Updates**

28 **a) Third Generation Management Plan**

- 29
 - *Policies & Goals will be distributed at meeting for review prior to Special Meeting – Wednesday, March*
30 *29, 2006 at 6:30 pm at the WCD offices*

31 Administrator Kill requested that \$8,000 be reallocated from Account 300-4410 Legal Fees Management Plan to
32 927-0000 Third Generation Management Plan to enable better tracking of legal counsel time. **President Leiser,**
33 **seconded by Manager Taillon, moved that \$8,000 be reallocated from 300-4410 Legal Fees Management**
34 **Plan to 927-0000 Management Plan Update. Vote 4/0.**
35

36 **7. Old Business**

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

38 **President Leiser moved for acceptance of Resolution No. 06-02. Manager Vanzwol seconded. Roll Call Vote:**
39 **4 yea, 0 nay, 1 absent.**
40

41 **b) Market Place Study Results Report – Board Action**

42 President Leiser would like to schedule a review meeting with the City of Stillwater. Manager Vanzwol
43 volunteered to represent the board at the review meeting. **President Leiser moved that Administrator Kill,**
44 **Manager Vanzwol, and the District Engineer represent the board for review meeting with City of Stillwater.**
45 **Manager Johnson seconded. Vote 3/0/1 Manager Vanzwol abstained because his name was in the motion.**
46 President Leiser will serve as a backup if Manager Vanzwol cannot attend.
47

48 **c) Baseline Monitoring System & Water Resource Database**

49 Administrator Kill attended a meeting for the baseline monitoring system. A number of questions were raised for
50 feedback, including review of a draft system set up identifying water resources of priority and the board's reaction.
51 **President Leiser moved to table until the attachment is available. Manager Johnson seconded. Vote 4/0.**
52

53 **8. New Business**

54 **a) Contract for Shared Storm Water Educator Position – Board Action**

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Manager Johnson, seconded by Manager Taillon, moved to authorize President Leiser and Manager Johnson to execute the Shared Storm Water Educator contract. Vote 4/0.

b) **Metropolitan Council 2006-07 WOMP Grant – Board Action**

Administrator Kill presented the Metropolitan Council 2006-07 Watershed Outlet Monitoring Program grant, which is a two-year contract in the amount of \$4,000 per year to monitor the Brown's Creek outlet site. **Manager Vanzwol, seconded by Manager Johnson, moved to accept the Metropolitan Council WOMP contract for 2006-07. Vote 4/0.**

c) **BSWR Challenge Grant agreement for Long Lake Plan Implementation– Board Action**

Manager Vanzwol seconded by Manager Taillon, moved to authorize execution of the Board of Water and Soil Resources 2006-07 Challenge Grant. Vote 4/0.

d) **Recording Secretary – Board Action**

Last authorization to hire a recording secretary included \$20 per hour for meeting attendance and for one hour of minutes preparation. **President Leiser, seconded by Manager Vanzwol, authorized the administrator to hire a recording secretary at \$20 per hour for meeting attendance and for one hour of minutes preparation, travel time to and from the meeting, and mileage. Vote 4/0.**

e) **Call for Abstracts - Minnesota Water 2006 and Annual Water Resources Joint Conference**

President Leiser expressed interest in submitting the Trout Habitat Protection Project to the Minnesota 2006 Water and Annual Water Resource Joint Conference. Pat Conrad indicated that EOR would be willing to submit an abstract for the project on behalf of BCWD and EOR at their own expense. President Leiser offered to work with Pat Conrad. **Manager Vanzwol, seconded by Manager Johnson, moved to authorize EOR to submit the THPP project with infiltration monitoring results at EOR's own expense. Vote 4/0.**

f) **North Washington County Regional TMDL**

Pat Conrad, EOR, presented a recent idea to collaborate with other agencies to complete a North Washington County Regional TMDL to efficiently examine the listing of each resource, explore potential delisting, and/or develop an approach to address each impairment. The TMDL study would look at all waterbodies listed as of 2006. Mr. Conrad requested the Board's support for a TMDL application for 2007 funding. The BCWD financial match could be made through the existing baseline monitoring program. President Leiser supports the idea but would like to see it be able to be expanded to include additional water bodies that are likely to be listed in the near future. **Manager Vanzwol seconded by Manager Taillon, moved to endorse the submittal of a North Washington County Regional TMDL project. Vote 4/0.**

g) **April 2006 BCWD Board Agenda**

9. **Discussion Agenda-No Action Required**

a) **Special Meeting in April**

Agenda to review the draft Third Generation Management Plan tentatively scheduled for Wednesday, April 26, 2006 at 6:30 p.m.

b) **Permit Review**

• **Current Inspection Update**

President Leiser mentioned that the Bradshaw infiltration basins should be inspected to determine if they are outletting as the snow melts.

c) **Project Review and Updates**

1) **Kismet Basin- Manure Spreading**

2) **Bradshaw Infiltration Pond**

d) **Subcommittee updates**

o **Technical Advisory Committee**

o **Citizen Advisory Committee—The minutes from the February 8, 2006, were distributed.**

o **Long Lake Management Plan –Update from Community Task Force Meeting of March 6, 2006**

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1 Meeting last Monday where opinions diverged on priorities for the lake.

2 e) Communications & Reports

3
4 **10. Adjournment**

5 **Manager Vanzwol, seconded by Manager Taillon, moved to adjourn at 10:13 p.m. Vote 4/0.**

6
7 Respectfully submitted by
8 Martha Steinhart, Temporary Recording Secretary

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