

BROWN'S CREEK WATERSHED DISTRICT

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Minutes of the Special Meeting of the Brown's Creek Watershed
District Board of Managers, April 26, 2006.

APPROVED

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

ROLL CALL

Present: Craig Leiser, President

Gerald Johnson, Secretary

Connie Taillon, Treasurer

Rick Vanzwol

Gail Pundsack, Vice President (*arrived 6:52 PM*)

Others Present:

Karen Kill, WCD, Administrator

Louis Smith, Smith Partners

Lisa Tilman, EOR

Ryan Fleming, EOR

Camilla Correll, EOR

Jim DeBenedet, Stevens Engineering

Michael Pressman, MCWD

1. Call Special Meeting to order

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

2. Approve Special Meeting Agenda and Discussion Agenda

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

3. Land Conservation Program – Presentation by Michael Pressman, Minnehaha Creek Watershed District

Michael Pressman works with Minnehaha Creek Watershed District (MCWD) on their land conservation program. Mr. Pressman presented details on the MCWD land conservation program to the BCWD Board to give them a better understanding of such a program when including it in the BCWD third generation management plan. Four items were distributed: a printed copy of the presentation, the MCWD "Envisioning Conservation Corridors" map, Montana Land Reliance's "Tax Implication of Conservation Easements" and Washington County's 3/14/2006 language for the upcoming land conservation referendum. Mr. Pressman emphasized setting land conservation priorities including mapping key conservation areas and developing a ranking system to evaluate individual properties, different means to acquire land and conservation easements including working closely with other partners to maximize collaboration opportunities, as well as examples of how to leverage additional funds. Mr. Pressman encouraged the BCWD Board to start small with a land conservation program and ensure that the Third Generation Management Plan provides adequate authority to fund, acquire, and/or restore interests in land. The Board thanked Mr. Pressman for presenting the information and acknowledged that a land conservation program may be a great opportunity to conserve key areas in the District. The Board discussed some example areas for conservation and inquired as to whether the appropriate language was included in the draft third generation management plan. Legal counsel and the District Engineers responded that a basis for a land conservation program was in the third generation management plan draft.

Recess 7:20-7:25 PM

4. Permit/Rules

a) BCWD Permit #06-01 Liberty West Subdivision – **Board Action**

Ryan Fleming, EOR, presented the District Engineer's review of the Liberty West development. The development will consist of 19 single-family residences and associated utilities. Mr. Fleming explained that existing drainage is directed both to the north and to the east with a significant area of offsite drainage coming from west of Manning Avenue. The development proposes to maintain the same drainage direction with only a small amount of flow redirection from the east to the north. The overall site area is 6.97 acres with 0.8 acres being redirected to the north, leaving 0.23 acres to drain eastward towards Long Lake. The development was reviewed for compliance with the District's stormwater rules. The modeled peak discharge results show that the District rule for rate control is met for all scenarios except for discharge to the east for the 1.5-year rainfall event; however, this will have negligible impacts on downstream resources given the insignificant size of the drainage area and the fact that overall peak discharges from the site are reduced below that of existing conditions when taking into consideration the reduction in discharge to the north. The area is in the Phase I of the TSMP cooperative agreement; therefore, the District's volume control rule does not apply. The infiltration basins and bio-retention facilities are necessary to meet the District's water quality rule and the review provided recommendations to ensure the water quality benefits of these facilities. Mr. Fleming reviewed the conditions necessary to meet the District's erosion control requirements.

Jim DeBenedet, Stevens Engineering, was present to represent the landowner for this development. Mr. DeBenedet had a chance to review the District Engineer's recommendation prior to the Board meeting and received clarification from Mr. Fleming on some of the items. Mr. DeBenedet stated that he does not have any problems with the recommended conditions, but did inquire to whether the stormwater maintenance agreement needs to be in place before the permit can be issued. The Board stated that according to the current District rules, the declaration must be recorded within ten days of permit issuance.

Manager Vanzwol, seconded by Manager Johnson, moved to approve BCWD Permit #06-01 for Liberty West Subdivision in the City of Stillwater with the fourteen recommended conditions in the April 20, 2006 memo by Ryan Fleming and Lisa Tilman. Vote 5/0.

5. Project Review and Updates

a) Third Generation Management Plan – Review Final Internal Draft

Lisa Tilman, EOR, distributed and presented a 4/25/2006 draft of the Third Generation Watershed Management Plan for the Board's review. The Board discussed the plan as each section was presented. A question was raised regarding the climate information presented in the plan and whether there was a way to better represent the most recent ten-years of precipitation. Another potential drained wetland was identified within the Kismet Basin, but above the elevation of the DNR designated water bodies. Source information was questioned for various maps within the natural resource inventory section of the plan and needs to be clarified on each map. The Board requested that a disclaimer be added in the beginning of the natural resource inventory section stating that we used the most recent data sets available as well as identifying the source of those data sets.

The Board reviewed the implementation plan and the associated budgets for the proposed projects. The Board felt that the items need to be further prioritized from previous efforts. Although all the listed projects have merit, budget constraints need to be considered. The Board determined that they will individually review the implementation plan and prioritize the projects they feel are most important over the next ten years. The Board was requested to do this individual review by the regular May 8, 2006 Board meeting when they will revisit the implementation plan.

b) Audio Recording – Board Action

Manager Vanzwol presented Resolution #06-03 supporting a policy for recording testimony at public hearings. The resolution states that the BCWD Administrator will obtain a digital recording device and will record all testimony beginning with the official opening of every public hearing before the Board and concluding at the conclusion of the hearing. The Board of Managers will notify those present that the

public hearing will be recorded and that the recording will be available through the District office. The digital recording will be retained for a duration of time consistent with the District's data retention schedule. The recordings will be made available to interested parties consistent with the District's Data Practices Act Policy adopted August 9, 2004.

Manager Vanzwol, seconded by Manager Leiser, moved to approve Resolution #06-03. Roll Call Vote: 5/0.

c) **BCWD 2005 Monitoring Report**

Administrator Kill distributed copies of the 2005 Monitoring Report and requested any comments by Monday, May 22, 2006.

6. **Adjournment**

Manager Leiser, seconded by Manager Vanzwol, moved to adjourn special meeting at 9:37 PM. Vote 5/0.

Respectfully submitted by
Karen Kill, BCWD Administrator