

# BROWN'S CREEK WATERSHED DISTRICT

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

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2 **Minutes of the Regular Meeting of the Brown's Creek Watershed District Board of Managers,**  
3 **July 10, 2006.**

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

**APPROVED**

7  
8 **ROLL CALL**

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

Others Present: Karen Kill, Administrator  
Angie Hong, WCD  
Louis Smith, Smith Partners  
Camilla Correll, EOR  
Pat Conrad, EOR (arrived 8:30 pm)  
Ryan Fleming, EOR  
Micki Adams, Stillwater Gazette  
Lee Miller, resident  
Sherri Buss, Bonestroo & Assoc  
Chad Davison, Bonestroo & Assoc  
Shawn Sanders, City of Stillwater  
Jay Liberacki, US Homes  
Joe Arndt, resident  
Don McKenzie, resident  
Pam & Paul Hamre, resident  
Deanne Moser, resident  
Joe Rivarc, resident

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28 **1. Call Regular Meeting to order**

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

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31 **2. Approve Regular Meeting Agenda and Discussion Agenda**

32 Manager Vanzwol requested that "Recording Secretary" be added in the Discussion Agenda. **Manager**  
33 **Pundsack, seconded by Manager Vanzwol, moved to approve the agenda as amended. Vote 5/0.**

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35 **3. Presentation of Citizen Award**

36 President Leiser presented the First Annual Citizen Conservation Award to Lee Miller, resident of  
37 Stillwater, for his contributions to Brown's Creek Watershed District.

38  
39 **4. Introduce new Shared Stormwater Educator Position: Angie Hong**

40 a) **Appoint Board Member to Education Steering Committee – Board Action**

41 Angie Hong introduced herself to the Board and described her timeline for developing a stormwater  
42 education strategy. The Washington County Water Education Team (WashWET) will be made up of  
43 representatives of the stormwater educator partnership. The first meeting will be in August after the fair  
44 is over. There will be one or two meetings in the fall of 2006 and the goal is to have the education plan

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1 in place by January 1, 2007. **President Leiser, seconded by Manager Vanzwol, moved to appoint**  
2 **Manager Connie Taillon to represent BCWD at WashWET and to appoint Manager Vanzwol as**  
3 **the alternate. Vote 5/0.**  
4

5 **5. Approve minutes – Board Action**

6 a) **May 8, 2006 Regular Board minutes**

7 **Manager Vanzwol, seconded by Manager Taillon, moved to approve the May 8, 2006 Regular**  
8 **Board meeting minutes as presented. Vote 5/0**  
9

10 b) **June 12, 2006 Regular Board minutes**

11 **Manager Johnson, seconded by Manager Vanzwol, moved to approve the June 12, 2006 Regular**  
12 **Board meeting minutes as amended. Vote 4/0/1 President Leiser abstained.**  
13

14  
15 **6. Treasurer's Report**

16 a) **Review Authorized Funds Spreadsheet** – Board reviewed.

17  
18 b) **Current Items Payable - Board Action**

19 Manager Taillon informed the board that the total items payable are in the amount of \$52,672.38.

20 After payables, the total balance would be \$282963.02. **Manager Taillon, seconded by Manager**  
21 **Vanzwol, moved to pay bills as presented. Roll call vote 5/0.**  
22

23 c) **BCWD 2005 Audit – Board Action**

24 **Manager Vanzwol, seconded by Manager Taillon, moved to accept the 2005 audit as presented**  
25 **and authorize it to be sent out to the State Auditor. Vote 5/0.**  
26

27 **7. Permits/Rules**

28 a) **BCWD Permit #04-16 Millbrook – Board Action**

29 Ryan Fleming, EOR, presented the engineering review of the Millbrook proposal. The  
30 proposed project would have approximately 200 units in Brown's Creek Watershed District  
31 (BCWD) and approximately 70 units in Carnelian-Marine Watershed District (CMWD). The  
32 proposed project would redirect approximately 11.8 acres from CMWD into BCWD.  
33 Stormwater would be treated through the use of five stormwater ponds and two infiltration  
34 basins. The proposed project will meet the BCWD requirements for rate control and water  
35 quality. The volume control requirement applies only to the drainage that has been redirected  
36 from CMWD and the applicant has shown that they will retain the entire 2-year event. The  
37 Board inquired whether reducing the volume of water would negatively impact Brown's Creek.  
38 Mr. Fleming stated that most of the water is naturally coming into the creek through seeps and  
39 the infiltrating the stormwater will mimic natural drainage conditions. The proposed project  
40 meets the erosion control requirements. The BCWD buffer rule applies; the applicant used  
41 averaging for the wetland buffers and in some of the areas where they were averaged to the  
42 minimum requirement of 50 feet, it is recommended to include some stormwater mitigation with  
43 best management practices such as raingardens. The trail has been relocated outside of the  
44 buffer. The District Engineer recommends that the plans be revised to show no grading in the  
45 buffers and expressed concern with the proximity of the proposed grading to the wetland edge.  
46 The District Engineer also recommended that the 100-year high water level calculations be  
47 redone using accepted BCWD methods.  
48

49 The Board expressed their concern regarding the sensitivity of this development on Brown's  
50 Creek and the necessity of constant vigilance in regards to erosion control on this project. The  
51 Board stated that they would allow the stormwater management facility surety to be submitted

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1 in phases, but that the grading/alterations surety would need to be submitted in total prior to  
2 issuing the permit.  
3

4 **Manager Vanzwol, seconded by Manager Johnson, moved to approve the Brown's Creek**  
5 **Watershed District permit #04-16 for the Millbrook project with the recommended**  
6 **conditions in the engineer's review memo dated July 10, 2006 by Ryan Fleming and**  
7 **Cecilio Olivier of Emmons and Olivier Resources, Inc. with the following clarifications: 1)**  
8 **the applicant must meet the buffer requirements and no variance is granted for grading in**  
9 **the buffer and 2) the stormwater management facility surety will be allowed to be**  
10 **submitted prior to the commencement of each phase. Vote 5/0.**  
11

12 b) **BCWD Permit #06-10 Boutwell Road Phase II – Board Action**

13 Camilla Correll, EOR, presented the engineering review of the Boutwell Road Phase II  
14 proposal. The proposed project would improve Boutwell Road from a rural road to curb and  
15 gutter between Manning Avenue and Newberry Court. This would increase impervious by  
16 approximately 2.2 acres. The proposal does not meet BCWD rules for the stormwater rule, but  
17 the City of Stillwater representatives stating that they are willing to continue to work with the  
18 District to meet the BCWD rules. The Boutwell Road Brown's Creek tributary stream crossings  
19 will be addressed under a separate permit. **Manager Vanzwol, seconded by Manager**  
20 **Pundsack, moved to approve the Brown's Creek Watershed District permit #06-10 for the**  
21 **Boutwell Road Phase II with the recommended conditions in the engineer's review memo**  
22 **dated July 5, 2006 by Lisa Tilman and Camilla Correll of Emmons and Olivier Resources,**  
23 **Inc. No variance is granted from the stormwater management water quality rule. Vote**  
24 **5/0.**  
25

26 *Recess 8:08-8:19 pm*  
27

28 c) **Rule Revision**

29 o **Land Locked Basin Policy – Board Action**

30 Camilla Correll, EOR, gave a presentation regarding the need for some additional Board  
31 direction on the development of the Land Locked Basin (LLB) Policy. ‘  
32

33 Question #1: To what size natural depression should the LLB policy apply?

34 The average basin size at the normal water level in the H&H study is 13.7 acres and the  
35 BCWD proposed rule would regulate wetlands greater than one acre. The Board  
36 recommended that if the stormwater rule was triggered and any depression on the site  
37 retains the 100-year 10-day storm, then the applicant must meet the LLB policy.  
38

39 Question #2: What elevation should be used to establish the high water level (HWL) for the  
40 LLB policy?

41 The Board recommended the 100-year 10-day runoff event plus three feet OR one foot  
42 above the natural overflow/outlet, whichever is less restrictive. The Board  
43 recommended looking at language from the City of Inver Grove Heights.  
44

45 Question #3: What are the management scenarios associated with each of the HWL options?

46 The Board already addressed in the discussion of question #2.  
47

48 Question #4: How close to the outlet elevation does the modeled HWL have to be in order for  
49 the basin to be considered land locked?

50 The Board was comfortable with the engineer's recommendation of 0.5-foot accuracy  
51 of the overflow elevation and starting water elevation.  
52

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1 **Manager Vanzwol, seconded by Manager Johnson, moved to change the order of the agenda to address**  
2 **the Long Lake item next to accommodate the residents in the audience. Vote 5/0.**  
3

4 **9. New Business**

5 **a) Long Lake SLMP Implementation – Review Board Comments & Questions**

6 Pat Conrad gave a brief history of the Long Lake Strategic Lake Management Plan, stating that  
7 the BCWD had approved a goal of 35% reduction of total phosphorus from subwatershed  
8 loading to Long Lake. Mr. Conrad asked the Board whether they had any further questions or  
9 comments on the draft management plan before approving the plan as final.

10  
11 The Board stated that they would like to see examples of how the lake draw down has  
12 impacted/worked in other lakes. Mr. Conrad stated that a feasibility study would be necessary  
13 to determine how the draw down would work specifically in Long Lake.

14  
15 The Board was supportive of staff bringing the Long Lake Strategic Lake Management Plan to  
16 the Stillwater City Council at their July 11, 2006 workshop to better inform the city council of  
17 projects of mutual benefit and begin discussions on where we can further collaborate. The  
18 Board was supportive of a periodic joint BCWD/Stillwater Board Workshop.

19  
20 Residents Joe Arndt and Don McKenzie both expressed concerns with the water quality of  
21 Long Lake and a general disconnect between the City of Stillwater and the watershed district.  
22 Don McKenzie also shared his observation that the water quality of the south side of Long  
23 Lake appears to be clearer than the north side.

24  
25 **Manager Vanzwol, seconded by Manager Johnson, moved to remove the word “Draft” from the**  
26 **Long Lake Strategic Lake Management Plan dated May 2006 and accept it as the final plan. Vote**  
27 **5/0.**  
28

29 **7. Rule Revision**

30 **c) Stormwater Rule Applicability – Board Action**

31 Camilla Correll, EOR, presented a comparison chart of all the stormwater runoff regulation for the  
32 watershed districts and water management organizations in Washington County. The most recent  
33 proposed changes to the Valley Branch Watershed District rules show that they are proposing to change  
34 their stormwater applicability, which would result in the applicability criteria being more consistent with  
35 the current BCWD stormwater rule. Both the CAC and TAC recommended that the Board keep the  
36 applicability criteria as it currently exists. **President Leiser, seconded by Manager Vanzwol, moved**  
37 **to not change the stormwater management applicability criteria as it currently exists, except for**  
38 **minor language clarifications. Vote 5/0.**  
39

40 **8. Old Business**

41 **a) License Agreement – Board Action**

42 Louis Smith, Smith Partners, reviewed a series of policy questions that would assist the Board in  
43 determining what would be necessary for an H&H model license agreement for private users.

44  
45 Question #1 Should private parties (and their engineering consultants) have access to the H&H  
46 data?

47 Board felt that private parties should have access to the H&H data.

48 Question #2 Should private parties pay a fee for use of the H&H data?

49 The Board expressed concern about making a fee administratively difficult and that having  
50 the data accessible makes the District engineer’s review easier if private consultants are able

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1 to use the H&H data. The District engineer stated that the H&H data has not been in high  
2 demand, but that the private consultant would have to refine the H&H model to use it,  
3 actually adding value to the model.

4 Question #3 Should the developer or its engineering consultant be licensed?

5 The Board agreed.

6 Question #4 Should the private license holder be obliged to report to the BCWD on changes to  
7 the land or structures that may affect the BCWD's watershed model?

8 The Board agreed.  
9

10 **Manager Vanzwol, seconded by Manager Johnson, moved to make the H&H data available to**  
11 **private parties for the cost to prepare the data for distribution plus a \$100 handling fee, with**  
12 **the stipulation that the private party sign a license agreement and be obliged to report any**  
13 **changes to the data to the BCWD. Vote 5/0.**

14  
15 **b) Kismet Basin Manure Pile – Board Action**

16 **President Leiser, seconded by Manager Vanzwol, moved to authorize up to \$4,000 to have the**  
17 **manure pile removed from the Sterner/Surles property. Vote 5/0.**

18  
19 **9. New Business**

20 **b) Title Insurance for Easements – Board Action**

21 **Manager Vanzwol, seconded by President Leiser, moved have legal counsel draft a resolution**  
22 **that states the District will move to adopt a policy to investigate the viability of obtaining title**  
23 **insurance for easements. Vote 5/0.**

24  
25 **c) 2005 Annual Report – Board Action**

26 The Board made some slight language corrections to the text. The Board stated they would like the  
27 Annual Report to be circulated to the Washington County Public Health & Environment, all the  
28 LGU's of the BCWD, BWSR and the District website.

29 **President Leiser, seconded by Manager Pundsack, moved to accept the 2005 Annual Report as**  
30 **amended. Vote 5/0.**

31  
32 **d) August 2006 BCWD Board Agenda – no discussion**

33  
34 **10. Discussion Agenda**

35 **a) Permit Review**

- 36 • Current Inspection Update

37 **b) Project Review and Updates**

- 38 ○ Third Generation Management Plan
- 39 ○ Long Lake Potential City Buffer Violation
- 40 ○ McKusick Lake
- 41 ○ CR 15 Drainage Issues/Craig & Marcia DeWolf Drainage

42 **c) Subcommittee updates**

- 43 ○ BMP Program
- 44 ○ Technical Advisory Committee
- 45 ○ Citizen Advisory Committee

46 **d) Communications & Reports**

- 47 ○ Metro MAWD Update

48 Manager Vanzwol presented an update of the Metro MAWD meeting. One of the topics at the  
49 meeting was addressing security of District documents. He requested that the administrator  
50 develop a recommended action plan for paper-copy back-ups.  
51

52 **11. Adjournment**

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**Manager Johnson, seconded by Manager Vanzwol, moved to adjourn at 10:44 p.m. Vote 5/0.**

Respectfully submitted by  
Karen Kill, BCWD Administrator

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