



BROWN'S CREEK WATERSHED DISTRICT

1380 W FRONTAGE RD
HIGHWAY 36
STILLWATER, MN
5 5 0 8 2

651.275.1136 x26 [PHONE]
651.275.1254 [FAX]
WWW.BCWD.ORG

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

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

APPROVED

6
7 **ROLL CALL**

8 **Present:**

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

Others Present:

- Karen Kill, Administrator
- Paula Guetter, Recording Secretary
- Christa Bren, EOR
- Pat Conrad, EOR
- Camilla Correll, EOR
- Louis Smith, Smith Partners
- Craig & Marcia Dewolf, Residents
- Chris Hause, Resident
- Keith Dewolf, Resident
- Mr. DeWitt, Resident

14
15
16
17
18
19
20 **1. Call Public Hearing to order @ 6:30 PM for THPP Infiltration Recovery Project**

21 President Leiser called the Public Hearing to order at 6:32 p.m. Christa Bren gave a
22 project history of Trout Habitat Preservation Project. The project was constructed in
23 2000 and the three infiltration basins have been monitored since completion. The data
24 shows that the basins are functioning; however, they are not performing to the standards
25 set at the beginning of the project. The third basin is the one of most concern. Board had
26 no questions or comments.

27
28 **Public Questions and Comments:**

29
30 Craig Dewolf voiced concerns about the sediment build up that has been occurring since
31 basins were installed. Mr. DeWolf wanted to know if the build-up problem will continue
32 and what the costs of clearing the build-up will be. Manager Leiser pointed out that there
33 is an obligation to maintain the basins and that it is cost effective to maintain basins for
34 benefits provided by infiltration improvements.

35
36 Keith DeWolf questioned flow from the groundwater table. Camilla Correll, EOR,
37 pointed out that they are required to have a three-foot separation between bottom of pond
38 and the groundwater table.

1 Keith DeWolf questioned how many basins will the Board be willing to build if water
2 table comes up and basins are not performing as anticipated. In addition, he questioned
3 the infiltration rate of the basins. Christa Bren, EOR, pointed out the basins are designed
4 to infiltrate 4-7 cfs. Currently the entire system is infiltrating approximately 1 cfs, with
5 more of the infiltration occurring in the first and second basins. Christa Bren pointed
6 out there is a maintenance plan in place. Also, Ms. Bren pointed out the first two years
7 after installation are most susceptible to problems because they are still stabilizing.
8

9 Keith DeWolf questioned the communication happening between Brown's Creek
10 Watershed District and Rice Creek Watershed District to determine how this project
11 affects each district. Camilla Correll pointed out that they should not affect one another.
12

13 Keith DeWolf asked if he could use some of the excavated dirt on his property for the
14 washouts that took place. Board said that should not be a problem.
15

16 There was a question about access brought up by the public. The basins will be accessed
17 by a field access road off 122nd St. N.
18

19 Manager Leiser called a close to the public hearing at 6:53 p.m.
20

21 *Recessed 6:53-6:54 p.m.*
22
23

24 **2. Call Regular Meeting to order**

25 President Leiser called the Regular Meeting to order at 6:54 p.m.
26

27 **3. Approve Regular Meeting Agenda and Discussion Agenda**

28 "THPP Infiltration Recovery Project" was added to the agenda as item 5c.

29 **Manager Vanzwol, seconded by Manager Johnson, moved to approve the agenda as**
30 **amended. Vote 5/0/0.**
31

32 **4. Approve minutes – Board Action**

33 a.) September 11, 2006 Regular Board meeting minutes

34 **Manager Johnson, seconded by Manager Vanzwol, moved to approve the**
35 **September 11, 2006 Regular Board meeting minutes as amended. Vote 5/0/0.**
36

37 b.) October 16, 2006 Regular Board meeting minutes

38 **Manager Johnson, seconded by Manager Taillon, moved to approve the October 16,**
39 **2006 Regular Board meeting minutes as amended. Vote 5/0/0.**
40

41 c.) October 30, 2006 Special Board meeting minutes

42 **Manager Vanzwol, seconded by Manager Johnson, moved to approve the October**
43 **30, 2006 Special Board meeting minutes as amended. Vote 5/0/0.**
44

45 **5. Treasurer's Report**

46 a.) Review Authorized Funds Spreadsheet – Reviewed spreadsheet

1 **b.) Current Items Payable – Board Action**

2 Board discussed amending current permit fee policy to include pre-permitting fee
3 requirements. Board requests pre-permitting policy to be added to the December Regular
4 Board meeting agenda.

5 Manager Taillon informed the board that the total items payable are in the amount of
6 \$33,292.83. After payables, the total balance would be \$113,954.14. **Manager Taillon,**
7 **seconded by Manager Vanzwol, moved to pay bills as presented. Roll call vote 5/0/0.**

8 **c.) THPP Infiltration Recovery Project – Board Action**

9 Christa Bren, EOR, presented the quote by Fratellone for the construction of the
10 infiltration recovery project. Board discussed the quote. Louis Smith noted that the size
11 of the project does not require the Board to go out for bids through the closed bid process.
12 Board decided they would like at least three quotes. **Manager Vanzwol, seconded by**
13 **Manager Johnson, moved to have EOR and Administrator Kill seek three or more**
14 **quotes and select the qualified contractor with the lowest quote.**

15
16
17 **6. Permit/Rules**

18 **a.) Rule Revision: Draft rules and SONAR – Board Action**

19 The Board discussed the legality of Option 1 and Option 2 in reference to protection for
20 groundwater dependent natural resources. Board discussed cost to analyze fens and
21 create a management plan. Board discussed a compromise option that would implement
22 option 1 now; however, Board Members would like to see a simplistic model of what the
23 plan would incorporate. Board discussed having the developer bear the costs of site
24 analysis if the plan has not been created for lot they want to develop until all plans can be
25 completed. Board decided they would like to see an outline of option 1.x, including a
26 prioritized list of plans and expectations for the management plans, to be brought back at
27 December Regular Board meeting. Managers decided to each submit to Administrator
28 Kill a list of typos and grammar changes to Rules and SONAR. Board discussed if
29 definition of a ground water dependent natural resource included saturated. In addition,
30 Board discussed size clarification in Rule 2.2.

31
32 *Recess 8:33-8:44 p.m.*

33
34 **b.) LCCMR Proposal – Board Action**

35 Camilla Correll, EOR, explained scope of project titled “Establishing Resource
36 Management Plans to Manage and Protect Trout Streams in Northern Washington
37 County” and asked for Board’s partnership for the grant. The LCCMR grant would assist
38 the BCWD in developing a resource management plan for Brown’s Creek, a designated
39 trout stream. A key component of the study would be the delineation of the groundwater
40 recharge area and necessary management standards. **Manager Leiser, seconded by**
41 **Manager Taillon, moved to support the LCCMR proposal and to be a project**
42 **partner. Vote 5/0/0.**

43
44 **c.) Permit Fee Discussion**

45 Administrator Kill suggested that for permits for owner/occupants of a homestead
46 capable property, require a \$1,000 cash escrow at the time of permit issuance. Allow up

1 to \$750 of permit review, site visits and inspections. The permittee would pay any fees in
2 excess of \$750. Any fees less than \$750 will be covered by the BCWD through other
3 funding mechanisms (such as the tax levy) due to the educational benefits of working
4 with the homeowner to protect natural resources. This will act as an incentive to work
5 with homeowners to get erosion control projects permitted. Permit fee analysis shows
6 that for single-family erosion control only permits, it appears that almost all permits
7 could have been reviewed and adequately inspected within the \$750 limit. Cash fees
8 deposits are currently a minimum of \$1,000; this cash escrow would still act as an
9 incentive to complete the project in compliance with District rules in a timely manner.

10
11 Board discussed various options for changes in the permit fee structure. The Board
12 would like legal counsel to further analyze the options for future Board discussion.

13
14 Administrator Kill also informed the Board that the CAC proposed a pilot project to offer
15 residents of BCWD a free on-site consultation to give landowner ideas on how to better manage
16 their property. This is a program that already exists within the Washington Conservation District,
17 but could be expanded to provide more coverage in BCWD. This session would also include
18 information on the permits each project would require. The Board was interested in more details
19 in the future.

20
21 **7. Projects/Programs**

22 **a.) Third Generation Management Plan Board Approval – Board Action**
23 **Manager Leiser, seconded by Manager Johnson, moved to authorize the response to**
24 **comments as indicated in the EOR memo dated November 13, 2006. Vote 5/0/0.**

25
26 **Manager Leiser, seconded Johnson, moved to authorize distribution of the 90-day**
27 **BWSR review. Vote 5/0/0.**

28
29 **b.) North Market Place Pond Modification (Long Lake Management Plan**
30 **Implementation) – Board Action**

31 Pat Conrad, EOR, presented the results of the North Marketplace Water Quality
32 Improvements Feasibility Study and Preliminary Design.. The general conclusion of the
33 Feasibility Study is that the hydraulics of each of the ponds is far too sensitive to allow
34 for significant manipulation. Each of the ponds is fairly close to the critical 100-year
35 flood elevation criteria of the District. It is not possible to significantly impound water at
36 these ponds as is needed to improve water quality. EOR reviewed multiple scenarios for
37 Marketplace Pond 9, but none were feasible due to potential flooding concerns.

38
39 There are some minor improvements that can be done to the two downstream ponds,
40 MP1 and MP8, which will result in some water quality treatment. EOR recommends
41 modification of Marketplace Pond 1 (MP1) outlet structure for better treatment of small
42 storm events. In addition, EOR suggests outlet restriction and excavation on Marketplace
43 Pond 8 (MP8) to create more residence time. The overall water quality treatment in the
44 study are given the improvements to MP1 and MP8 would remove approximately 10
45 pounds of phosphorus per year, as opposed to the 75 pounds estimated during the
46 planning process. Board discussed the remaining 65 pounds of phosphorous to be

1 managed, which will need to be removed through smaller-scale practices within the
2 North Marketplace subwatershed.

3
4 The estimated cost for final design, permitting, construction management, construction
5 and construction observation is approximately \$39,000 of which approximately \$32,000
6 is for construction. The Board discussed the options of looking at the next water quality
7 improvement areas or reducing the 2007 levy.

8
9 **Manager Vanzwol, seconded by Manager Johnson, moved to approve the findings**
10 **and recommendations of North Market Place Water Quality Improvements and**
11 **authorized EOR to proceed with final design of improvements to Marketplace Pond**
12 **1 and Marketplace Pond 8 for a cost not to exceed \$7,000.00. Vote 5/0/0.**

13
14 **Manager Vanzwol, seconded by Manager Johnson, moved to authorize EOR to**
15 **develop a scope of services for water quality improvements for Hwy 36 Sub-**
16 **watershed for the December Regular Board meeting. Vote 5/0/0.**

17
18 **c.) Bradshaw Infiltration Basins – Board Action**

19 Administrator Kill updated the Board on the continued problem of the public accessing
20 and/or joy riding through the infiltration basin on the Bradshaw property. Board
21 discussed fences, native barrier plantings, and a combination fence with plantings. In
22 addition, Board discussed the possibility of cost share to impede access through the
23 infiltration basin. Board asks Administrator Kill to look into fence and planting costs for
24 December Regular Board meeting.

25
26 **8. New Business**

27 **a.) MAWD Watershed District Member Material – Board Action**

28 **Manager Vanzwol, seconded by Manager Taillon, moved to name Manager Leiser**
29 **as representative to attend MAWD annual meeting and Manager Johnson as an**
30 **alternate representative. Vote 3/0/2, Managers Leiser and Johnson abstained.**

31 **b.) Jackson WMA – Board discussion on potential DNR liquidation of the Jackson**
32 **Wildlife Management Area. Board requested that the Administrator continue discussions**
33 **with the DNR to obtain more information on who would be eligible to purchase the**
34 **property and what limitations would be put on the property.**

35 **c.) BCWD Social Event – Board Action**

36 Board discussed December 7 and December 8 as potential dates for the event.

37 **d.) December 2006 BCWD Board Agenda**

38 **e.) REMINDER: Joint Board Meeting with City of Stillwater Agenda on**
39 **Tuesday, November 21, 2006 4:30-6:30 pm**

40
41 **9. Discussion Agenda – No Action Required**

42 **a.) Permit Review – Current Inspection Update**

- 43 ○ #06-20 Oak Glen Maintenance Building – Erosion Control Only
- 44 ○ Wetland Buffer Declaration at Settler's Glen 6th Addition, Block 1 Lot 9
- 45 ○ Erosion Control Permit needed: North Hill Residence, Individual
- 46 ○ Sanctuary Lots

- 1 **b.) Project Review and Updates**
- 2 **c.) Subcommittee updates – BMP Update**
- 3 **d.) Communications & Reports**
- 4 ○ **MAWD Strategic Communication Training – Update**
- 5 ○ **Election Results – Washington County Land Protection Referendum**
- 6 **passed**
- 7 ○ **2006 Groundwater Plan Accomplishments**
- 8 ○ **Notification of VBWD Proposed Rules and Regulations**
- 9

10 **10. Adjournment**
11 **Manager Johnson, seconded by Manager Vanzwol, moved to adjourn the meeting at**
12 **10:20 p.m. Vote 5/0/0.**

13
14
15 Respectfully submitted by
16 Paula Guetter, BCWD Recording Secretary