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Minutes of the Regular Meeting of the Brown's Creek Watershed District Board of Managers, January 8, 2007.

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

APPROVED

ROLL CALL

Present:	Others Present:
Craig Leiser, President	Karen Kill, Administrator
Rick Vanzwol	Paula Guetter, Recording Secretary
Connie Taillon, Treasurer	Camilla Correll, EOR
Gerald Johnson	Chuck Holtman, Smith Partners
Gail Pundsack, arrived at 8:43 p.m.	Michael Welch, Smith Partners
	Tim Freeman, FFE
	Lisa Tilman, EOR

- 1. Call Regular Meeting to order @ 6:35 PM**
President Leiser called the Regular Meeting to order at 6:35 PM.
- 2. Approve Regular Meeting Agenda and Discussion Agenda**
Manager Leiser, seconded by Manager Johnson, moved to table Election of Officers until Manager Pundsack arrived. Vote 4/0.
Manager Vanzwol, seconded by Manager Johnson, moved to table item McApline Wetland Buffer Declaration Violation until next meeting when more information is available. Vote 4/0.
Administrator Kill requested the addition of Bi-Annual Request for Qualifications for Accounting, Engineering, and Legal be added to the agenda under New Business.
Manager Vanzwol, seconded by Manager Johnson, moved to approve the meeting agenda and discussion agenda as amended. Vote 4/0.
- 3. Election of Officers – tabled until Manager Pundsack arrived.**

1 **4. Approve Minutes – Board Action**

2 **a.) November 21, 2006 Joint Workshop** (*tabled from Dec 2006 Regular Board*
3 *meeting*)

4 Administrator Kill reported, upon listening to a recording of the Joint Workshop, the
5 board had not specified matching the City on the McKusick Lake Management Plan. The
6 board committed to contributing \$25,000 to the McKusick Lake Management Plan. The
7 recording did make specific note that the BCWD does not have a hydrologic connection
8 to Lily Lake and thus would not be able to financially support the development or
9 implementation of the Lily Lake portion. The board discussed what Administrator Kill
10 found.

11
12 **Manager Leiser, seconded by Manager Johnson, moved to table approving the**
13 **November 21, 2006 Joint Workshop minutes until Manager Pundsack arrived. Vote**
14 **4/0.**

15
16 **b.) December 11, 2006 Annual and Regular Board Meeting**
17 **Manager Johnson, seconded by Manager Vanzwol, moved to table approving the**
18 **December 11, 2006 Annual and Regular Board Meeting minutes until Manager**
19 **Pundsack arrived. Vote 4/0.**

20
21 **5. Treasurer's Report**

22 **a.) Review Authorized Funds Spreadsheet**

23
24 **b.) Current Items Payable – Board Action**

25 Manager Taillon reported that the amount payable was \$28,355.09 and the total balance
26 was \$301,913.64. The board discussed that the THPP Monitoring for 2006 was over-
27 budget because maintenance expenses were lumped into monitoring expenses. The board
28 discussed separating monitoring and maintenance for 2007. Manager Vanzwol believes
29 the board is spending a lot in inspections; he would like to see a reduction in inspection
30 costs. The board discussed creating a subcommittee, including Administrator Kill,
31 Manager Vanzwol, and Ryan Fleming from EOR, to discuss how to possibly lower
32 inspection costs. Manager Taillon does not recommend reducing the number of
33 inspections.

34 **Manager Taillon, seconded by Manager Johnson, moved to pay bills as presented.**
35 **Roll call vote 4/0.**

36
37 **6. Permit/Rules**

38 **a.) Permit #06-30 WATE Office/Warehouse**

39 Lisa Tilman, EOR, presented some policy questions for the Board that were brought to
40 staff's attention through the review of the W.A.T.E. Office/Warehouse building in the
41 Kern Center Addition. A portion of the existing drainage flows towards the Kern Center
42 Pond and a portion drains toward a DNR wetland. The proposal has similar drainage.
43 Ms. Tilman pointed out that area P1 would drain to the DNR wetland. The wetlands
44 serve as a source of water to Long Lake. The Kern Center Cooperative Agreement states
45 there shall be no more than 80% impervious surface areas on the property. The proposal
46 has an impervious surface area of 90%; however, for the entire site (Zintl properties) the

1 impervious surface area would not exceed 80%. The board discussed how area of
2 impervious surface should be calculated. Manager Leiser points out there are three
3 questions that the board needs to answer. The first question is under what set of
4 conditions the board can allow for averaging of impervious surface areas. The second
5 question is can the board continue to administer the policy set June 9, 2003 or is the June
6 9, 2003 policy superseded by the Kern Center Cooperative Agreement. The third
7 question is what the board should do if the project comes between the June 9, 2003 policy
8 and the 2004 Kern Center Cooperative Agreement. Mr. Freeman, FFE, pointed out the
9 Kern Center pond was designed to take on all drainage from the Kern Center. The board
10 and Mr. Freeman discussed the details of Kern Center Cooperative Agreement. Manager
11 Johnson would like to see an analysis of loading of phosphorous to Long Lake due to
12 drainage to the wetland. Camilla Correll, EOR, will be sure the board receives
13 information on what it would take to do an analysis of loading for Long Lake. Mr.
14 Freeman pointed out Oak Park Heights has given the landowner the necessary permit.
15 Administrator Kill will get the PUD approval from Oak Park Heights. Manager Leiser
16 would like to know if the Kern Center Pond receives all of the roof drainage from the
17 Kern Center.

18 **Manager Vanzwol, seconded by Manager Johnson, moved to extend the approval**
19 **period by 60 days because there is a need to further review the proposal, for further**
20 **engineering work, to see the PUD from Oak Park Heights, and to receive legal**
21 **council's comments in writing. Vote 4/0.**

22
23 Mr. Freeman would like to be kept in the loop on new developments in the permitting
24 process.

25
26 **b.) Permit #05-04 Village at Oak Park Heights – Surety Reduction Request –**
27 **Board Action**

28 **Manager Vanzwol, seconded by Manager Johnson, moved to reduce the Village at**
29 **Oak Park Heights surety to \$12,000. Vote 4/0.**

30
31 **c.) Permit Fee Discussion – Legal Consideration**

32 Chuck Holtman, Smith Partners, presented the Waiver of Permit Fee for the proposed
33 policy to waive permit fees for small property (residential property owners) development.
34 Smith Partners believes the proposed fee waiver classification is genuine and substantial,
35 and the District's goal of engaging citizens in protecting water resources in the watershed
36 is legitimately within its mandate under the Watershed Act, Minn. Stat. § 103D.201,
37 subs. 1, 2. The board discussed forgiving costs to residential property owners and
38 reducing the surety. Administrator Kill suggested a \$1,000 deposit fee and \$750 for
39 permit review/inspections with the property owner agreeing to pay any cost above \$750.
40 The current cost is a \$1,000 deposit fee and a \$5,000 surety. Manager Leiser clarified
41 that most of the projects homeowners do have erosion control concerns. Manager Leiser
42 suggested an up-front fee of \$1000 with no surety necessary for projects only needing
43 erosion control. Manager Vanzwol would like a draft resolution for a permit fee for a
44 single family, owner occupied, erosion control, small acreage project for the February
45 meeting.
46

1 *Recess 8:20-8:31*

2
3 **d.) Rules/SONAR – Board Action**

4 **Manager Vanzwol, seconded by Manager Leiser, moved to add the language**
5 **provided by Chuck Holtman as appropriate to the Rules and SONAR. Vote 4/0.**

6
7 **Manager Leiser, seconded by Manager Vanzwol, moved to set March 12, 2007 as**
8 **the prospective date for the public hearing, January 16, 2007 as the date to release**
9 **the Rules and SONAR documents, and March 16, 2007 as the closing date for public**
10 **comment. Vote 4/0.**

11
12 *Manager Pundsack arrived 8:43.*

13
14 **3. Election of Officers**

15 Manager Leiser proposed leaving the officers at present arrangement. Manager Johnson
16 wanted the board to consider Manager Vanzwol for Vice President. Manager Vanzwol
17 would accept the position as Vice President. Manager Pundsack pointed out that being
18 President is a time-consuming job; she would not have time if Manager Leiser was to
19 take leave from the board.

20 **Manager Johnson, seconded by Manager Taillon, moved to re-elect Manager Leiser**
21 **as President, elect Manager Vanzwol as Vice President, re-elect Manager Taillon as**
22 **Treasurer, re-elect Manager Johnson as Secretary, and elect Manager Pundsack as**
23 **Manager Plenipotentiary. Vote 5/0.**

24
25 Manager Vanzwol mentioned he usually likes to see the Treasurer position rotated.
26 Manager Johnson offered to take the Treasurer position next year.

27
28 **4. Approve Minutes – Board Action**

29 **a.) November 21, 2006 Joint Workshop**

30 Manager Johnson would like to see invoices for the project with the money spent for each
31 lake broken out. Manager Leiser proposes that the intent was to match and should the
32 study be less than \$25,000 the remainder be used for corrections to the McKusick Lake
33 Plan. Administrator Kill feels very strongly that the BCWD Board agreed to give
34 \$25,000 for the plan; it was not corrected by BCWD that they would be matching.
35 Manager Leiser would like to see the invoice broken out to show how much is being
36 spent on each lake. Manager Johnson volunteered to attend the next City workshop
37 meeting to clarify the board's requirement of separating out the lakes in an effort to
38 assure BCWD does not fund any part of the Lily Lake portion of the plan. Manager
39 Pundsack states that the board agreed to \$25,000 and that money is not necessarily for
40 implementation.

41
42 **Manager Leiser, seconded by Manager Vanzwol, moved to authorize Manager**
43 **Johnson to attend the next City workshop meeting to clarify changes to the minutes**
44 **that the board's contribution is not for Lily Lake. Vote 5/0.**

45

1 **Manager Leiser, seconded by Manager Vanzwol, moved to nominate Administrator**
2 **Kill and Manager Johnson as BCWD representatives for the Joint Task Force on**
3 **the McKusick Lake Management Plan. Vote 5/0.**
4

5 **Manager Leiser, seconded by Manager Johnson, moved to approve the November**
6 **21, 2006 Joint Workshop minutes as amended. Vote 5/0.**
7

8 **b.) December 11, 2006 Annual and Regular Board Meeting**
9 **Manager Vanzwol, seconded by Manager Taillon, moved to approve the December**
10 **11, 2006 minutes as amended. Vote 4/0/1. Manager Johnson abstained because he**
11 **was not present at the December 11, 2006 Board meeting.**
12

13 **8. Old Business**

14 **a.) Boundary Petition – Update**

15 Administrator Kill presented the boundary change resolution. There are orphaned areas
16 between the Rice Creek Watershed District and the Brown's Creek Watershed District.
17 The parcels to be included in BCWD were based on hydrologic boundaries. **Manager**
18 **Leiser, seconded by Manager Vanzwol, moved to approve the resolution supporting**
19 **boundary change to include the parcels in the resolution attachment. Vote 5/0.**
20

21 **b.) CAC Tour**

22 The board agreed to set the date of CAC Tour tentatively to April 21, 2007.
23

24 **9. New Business**

25 **a.) Millbrook Update/Petroleum Mitigation**

26 Activity had been observed at the Millbrook project; however, they do not have a permit.
27 The activity was on the Carnelian-Marine Watershed District portion of the project. One
28 aspect of the activity was the City of Stillwater fire department was conducting a training
29 exercise on the farm home. The second activity was a petroleum leak mitigation, which
30 extended further than the landowner anticipated. The excavation extended more than 40
31 feet deep and contacted groundwater. The board is concerned about ground water
32 dependent natural resources. US Homes did not think to contact BCWD. BCWD will
33 receive the MPCA report of the Petroleum Mitigation and have a chance to comment.
34

35 **b.) February 2007 BCWD Board Agenda**

36 Manager Leiser asked that EOR provide a standard for further impervious surface areas
37 in response to Permit #06-30 WATE.
38

39 **c.) Bi-Annual Request for Qualifications for Accounting, Engineering and Legal**

40 The board agreed the format from prior years should be used for the Request for
41 Qualifications and should be put in the Stillwater Gazette. Requests will be due February
42 2, 2007 and the review will happen at next month's meeting, February 12, 2007.
43

44 **10. Discussion Agenda – No Action Required**

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

1 The Galler Residence is in poor condition as of January 3, 2007. Administrator Kill
2 hoped to set up a meeting/inspection with them later this week.
3

4 **b.) Project Review and Updates**

5 ○ **THPP Infiltration Recovery Project**

6 The contract for the project is with Mudd Medics – Woody’s Creative
7 Landscaping. Krista Bren, EOR, met with Mr. DeWolf about drainage to the
8 wetlands. It is better to wait until spring to address the drainage problem
9 because of the fine grading that will be necessary. The board would like a
10 summary of EOR’s findings for the February meeting.

11 ○ **McKusick Lake Management Plan**

12 ○ **Upcoming Educational Trainings: “Living on a Few Acres” in
13 Stillwater and Forest Lake Community Education**

14 **Manager Leiser, seconded by Manager Vanzwol, moved to cover**
15 **Administrator Kill’s expenses of attending the 2nd Lake Pepin TMDL**
16 **Conference. Vote 5/0.**
17

18 **c.) Subcommittee updates**

19 ○ **BMP Update**

20 Andrea Wedul will be leaving Washington Conservation District; however,
21 the BMP program will continued to be staffed per the contract of services.
22 Manager Vanzwol heard about another Watershed District funding a
23 neighborhood party once BMP projects are complete. Manager Vanzwol
24 believes this is a good idea and BCWD should consider doing funding parties
25 after BMP projects.
26

27 **d.) Communication & Reports**

28
29 **11. Adjournment**

30 **Manager Johnson, seconded by Manager Vanzwol, moved to adjourn the meeting at**
31 **9:55 p.m. Vote 5/0.**
32
33

34 Respectfully submitted by
35 Paula Guetter, BCWD Recording Secretary
36