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3 **Minutes of the Regular Meeting of the Brown's Creek Watershed District Board of**
4 **Managers, November 10, 2008**

5
6 WCD Offices, 1380 W. Frontage Road, Hwy. 36
7 Stillwater, MN 55082

APPROVED

8
9 **ROLL CALL**

Present:	Others Present:
Craig Leiser, President	Karen Kill, Administrator
Rick Vanzwol, Vice-President	Debbie Meister, Recorder
Connie Taillon, Treasurer	Pat Conrad, EOR
Gerald Johnson, Secretary	Michael Welch, Smith Partners
Gail Pundsack,	Mike Majeski, EOR

10
11 **1. Call Regular Meeting to order @ 6:30 PM**

12 President Leiser called the Regular Meeting to order at 6:32 PM.

13
14 **2. Approve Regular Meeting Agenda and Discussion Agenda**

15 President Leiser requested adding discussion agenda items: h) Watershed Boundaries, i)
16 MPCA Grant, j) 9 Mile Creek and Long Lake Draw Downs and k) Stone Arch Bridge.
17 Administrator Kill informed the Board that there will not be a violation hearing under 5c.
18 Item 6 –a) THPP Culvert Jetting and Rock Installation was added.

19
20 **Manager Johnson, seconded by Manager Taillon, moved to approve the meeting**
21 **agenda and discussion agenda as amended. Vote: 5/0.**

22
23 **3. Public Comments**

24 No public present.

25 **President Leiser, seconded by Manager Vanzwol, moved to table the public**
26 **comments. Vote: 5/0.**

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

29 **Manager Johnson, seconded by Manager Taillon, moved to approve the minutes of**
30 **the October 13, 2008 regular Board meeting as amended. Vote: 4/0/1, Manager**
31 **Pundsack abstained because she was not present at the October Board meeting.**
32

1 **5. Permits/Rules**

2 a) **Permit #04-16 Millbrook Surety Reduction Request—Board Action**

3 Administrator Kill stated that a reduction in the surety was requested. According
4 to EOR, 35% of the lots have been stabilized. Some of ponds that have not been
5 stabilized might be more expensive to stabilize. Currently there is about \$4,500 in
6 outstanding fees.

7
8 **President Leiser, seconded by Manager Johnson, moved to authorize a surety**
9 **reduction of 25% of the \$200,000 surety bond immediately upon receiving**
10 **the outstanding Millbrook fees and bringing the permit deposit fees up to**
11 **\$2,500. Vote: 5/0.**

12
13 b) **Resolution #08-04 Special Meeting Fees—Board Action**

14 Administrator Kill stated that she had distributed a revised resolution language.
15 She explained that she had calculated special meeting costs to determine the \$900
16 deposit amount.

17 **President Leiser, seconded by Manger Taillon, moved to adopt Resolution**
18 **#08-04, adopting a policy that any party requesting a special meeting of the**
19 **Board of Managers must provide a deposit of \$900 before legal notice of a**
20 **special meeting will be issued, and that the party will be responsible for**
21 **District meeting costs, including but not limited to manager per diem, staff,**
22 **consultant, recording and noticing costs, in accordance with current Board**
23 **permit fee policies and schedules, and directing the administrator to provide**
24 **appropriate notice of this policy in all relevant permit materials. Roll call**
25 **vote: 5/0.**

26
27 c) **Permit #03-09 Settler's 5th Addition – Potential Violation Hearing —Board**
28 **Action**

29 Administrator Kill reported that this will not be a violation hearing, but that there
30 could be a hearing at a later date. Silt fences have been properly installed on both
31 lots; however, the rock construction entrance has not been installed. No work is
32 happening on the site. Jeff Magdik was told the entrance must be installed by
33 Friday, November 14, 2008 or a violation hearing will be held, which could result
34 in a cease and desist order. A letter outlining this has been drafted and will be
35 faxed to Mr. Magdik after the Board meeting. Thursday, November 20, 2008 at 6
36 p.m. is the tentative date selected for a violation hearing, which Managers Taillon,
37 Vanzwol, Johnson and Pundsack are able to attend. Blue Print Homes will be
38 responsible for the hearing costs. Legal counsel stated that three days notice is
39 required.

40
41 **6. Projects/Programs**

42 -a) **THPP Culvert Jetting and Rock Installation**

43 Mike Majeski presented slides showing the culvert jetting and cleanout done on
44 October 23. Due to the excess amount of slurry, EOR recommends scooping the
45 sump with a bobcat and placing the sediment within the Basin 1 easement, cutting
46 down the box elders and stabilizing the road. In spring the slopes will be
47 stabilized. The Kismet (Rappa Culvert) has been cleaned out.

1
2 **Manager Vanzwol, seconded by Manager Pundsack, moved to approve the**
3 **expenditure of an additional \$2000, from contingency funds, to install rock**
4 **on the field road and clean out the sediment sump at the downstream end of**
5 **the twin field road culverts. Vote: 5/0.**
6

7 Manager Vanzwol requested a spring inspection to insure the THPP is still open
8 and the vegetation is established.
9

10 a) **Benz Lake Management Plan – Update/Presentation**

11 Pat Conrad provided an update on the project regarding issues, management goals
12 and next steps. Vegetation in Benz Lake is predominately filamentous algae and
13 white water lily in shallower water. The lake is hypereutrophic. The lake inlet
14 pipe is partially plugged, which might have been done intentionally by a property
15 owner. In 2001, an aerator was installed and fish were stocked. Fish kills
16 occurred in 2004 and 2006. Water quality modeling indicates that the majority of
17 nutrients are due to internal loading. Residents—about 20 in the lake
18 association—are concerned with: lack of water flowing into the lake (water
19 hoarding upstream), lake level fluctuations, large amounts of algae, poor water
20 quality, fisheries management, how to best manage the aeration system, presence
21 of rough fish and the desire for recreational use of the lake. Management goals
22 include: reducing frequency and severity of algal blooms, improving the
23 hydrology of the lake to the extent practical and enhancing sport fishing. Next
24 steps are to reconvene the stakeholder group, finalize the implementation plan and
25 present the final management plan to the board.
26

27 Issues managers raised: with no public access, recreation benefits will only affect
28 lake owners, there is little lake drainage so the impact on the rest of watershed is
29 minimal, cost-share BMPs might be most appropriate and what the lake
30 association is willing to do. Manager Vanzwol and President Leiser volunteered
31 to attend the next landowner meeting.
32

33 *Recess 7:43—7:49 p.m.*
34

35 b) **BMP Projects**

- 36 • Completed Projects Requesting Reimbursement —Board Action
37

38 **Manager Vanzwol, seconded by Manager Johnson, moved to approve**
39 **reimbursement of \$680 to Kathryn Serier. Vote: 5/0.**
40

41 **Manager Taillon, seconded by Manager Johnson, moved to approve a \$1,267**
42 **reimbursement to Miller/Long Lake Shoreline to date for 50% cost-share,**
43 **with \$241.62 being reallocated into the homeowner BMP fund. Vote: 5/0.**
44

45 **Manager Vanzwol, seconded by Manager Taillon, moved to approve a**
46 **\$996.75 reimbursement to Judy and Dan Walsh, with \$7.70 being reallocated**
47 **into the homeowner BMP fund. Vote: 5/0.**

1
2 **Manager Pundsack, seconded by Manager Vanzwol, moved to approve a**
3 **\$1,448.25 reimbursement to Great River Greening—Orlean’s Homes, with**
4 **\$1.75 being reallocated into the homeowner BMP fund. Vote: 5/0.**
5

- 6 • Rain Barrel Program
7 **President Leiser, seconded by Manager Johnson, moved to authorize the**
8 **Administrator to distribute up to \$1,500 in 2009 BMP funds, on a first-come-**
9 **first serve basis, for rain barrel reimbursements of up to \$30 per household**
10 **and to work with Angie Hong on promotion. Vote: 5/0.**
11

12 **7. New Business**

13 a) Native Buffers Grant—Board Approval

14 Administrator Kill reported that although the District did not receive the 5 Star
15 Grant for buffer installation, it is likely the Long Lake Shoreline Buffer project
16 will be funded through the BWSR cost-share program. Redirected funds under
17 LGU demonstration projects could serve as the match. This project will have
18 access and public visibility.
19

20 **Manager Vanzwol, seconded by Manager Pundsack, moved to support the**
21 **BWSR Native Buffer Cost-share Program grant application and to allocate**
22 **up to 25% in matching funds. Vote: 5/0.**
23

24 b) **2009 RFQs for District Services: Accounting, Auditor, Legal and**
25 **Engineering —Board Action**

26 Managers discussed revising the RFQs for engineering and legal to require local
27 knowledge of “metro-area watershed management organizations,” rather than
28 Brown’s Creek Watershed District specifically. Managers discussed further
29 revising the legal request to require experience with “watershed management
30 organization law” rather than “watershed district law.” **President Leiser,**
31 **seconded by Manager Johnson, moved approval of the RFQs for accounting,**
32 **auditor, legal and engineering positions for 2009-2010 with the changes as**
33 **discussed. Vote: 5/0.**
34

35 c) **Strategic Planning Workshop—Board Action**

36 President Leiser suggested the District review its strategic/management plan
37 every three to five years. He recommended holding a special evening meeting,
38 facilitated by a qualified facilitator, with discussion among the managers and
39 administrator and with legal and engineering representatives attending as resource
40 people. It was agreed that Administrator Kill and President Leiser will check with
41 qualified facilitators to assess availability for a January meeting and bring
42 information to the December meeting for approval.
43

44 **8. Treasurer’s Report**

45 a) **Review Authorized Funds Spreadsheet**

46 Administrator Kill reported that the BMP and contingency funds were zeroed out,
47 but still need updating.

1
2 **b) Current Items Payable—Board Action**
3 **Manager Taillon, seconded by Vanzwol, moved to pay \$36,047.05 as**
4 **presented. Role call vote: 5/0.**
5

6 At the manager's direction, Administrator Kill and Pat Conrad will review EOR's
7 contract for inspections to determine the billing rate and report back at the next
8 Board meeting. Administrator Kill will also investigate CDs to determine if the
9 District can get a better interest rate.
10

11 **c) Permit Fee Statements Review**

12 Administrator Kill reviewed accounts with outstanding fees. At the suggestion of
13 legal counsel, the managers agreed to send a letter to specified outstanding
14 accounts that the District will issue a 1099 form, for which taxes must be paid and
15 to please contact the District to discuss payment options.
16

17 **d) 2009 Proposed Budget —Final Levy Discussion**

18 Administrator Kill outlined some options for reducing the budget so the levy will
19 not need to be increased. President Leiser thanked her for taking the time to think
20 through the budget and for providing an easy format to review the budget. He
21 requested that managers review the current budget and suggested reductions and
22 be ready to finalize the budget at the December meeting.
23

24 **9. Discussion Agenda – No Action Required**

25 **a) Permit Review – Current Inspection Update**

26 • **CR 15/Infiltration/Welander Drainage**

27 Several issues were reported: three of the five infiltration facilities are not
28 functioning; there are water safety/flooding issues of concern for this coming
29 winter; if time permits this fall, field investigations will be undertaken; next
30 spring/summer mitigation will be explored; Craig Magnuson is having drainage
31 issues and will work with the County on this; and the field road at the Welanders
32 appears not to be located where it was indicated in the plan. President Leiser
33 noted that the sodding and straw mats at the field road will not be established and
34 could be damaged if snowmobiles traverse the area. Administrator Kill will notify
35 the County about this.
36

37 **b) Brown's Creek Biota TMDL — Update**

38 Administrator Kill suggested that the District might want to do water monitoring
39 modeling and better coordinate with cities on where BMPs will be most useful.
40

41 **c) Water Resources Conference Update**

42 Administrator Kill provided highlights of the conference.
43

44 **d) BCWD Holiday Gathering**

45 The District will hold a gathering at Sal's on December 15.
46

47 **e) Joint Meeting with City of Stillwater—Postpone to January 2009**

1 Because of the election of two new council members, it was suggested that the
2 joint meeting be postponed until January 20.

3
4 **f) Communications & Managers Reports**

5 • **Long Lake Photo by Lee Miller**

6 The photo is proposed as a communication peace gesture.

7
8 • **MAWD Meetings**

9 Administrator Kill reported that she, President Leiser and Manager Pundsack
10 plan on attending the MAWD conference. The 9 Mile Creek/Brown's Creek
11 lake draw down resolution will be brought up for MAWD support. A webinar
12 training session on how boards work will be held on Nov. 17. If managers
13 participate in the session they will need to logon in a public place. MAWD
14 has not changed dues since 1997 and is exploring revising dues to replenish
15 reserve funds and adding new services.

16 **Manager Vanzwol, seconded by Manager Johnson, moved to appoint**
17 **President Leiser as the District's designated representative to the MAWD**
18 **conference and Manager Pundsack as the alternate. Vote: 3/0/2.**

19
20 • **Manager Positions**

21 At President Leiser's suggestions, the managers agreed to add a second vice
22 president to the manager positions to be voted on at the annual meeting.

23
24 **g) December 2008 BCWD Regular Board Meeting and Annual Meeting Agenda**

25 Manager Vanzwol suggested considering contracting for stormwater pond
26 maintenance. The annual meeting will be held at 8 p.m., following the budget
27 review. Legal counsel will check to see if additional notification is required.

28
29 **h) Watershed Boundaries.**

30 Administrator Kill reported that she will follow up with Amanda Strommer about
31 boundary changes that can be completed.

32
33 **i) MPCA Grant**

34 Administrator Kill reported that the grant has been submitted.

35
36 **j) 9 Mile Creek and Long Lake Draw Downs**

37 Pat Conrad reported that EOR will have recommendations in December, but will
38 not have all the soil/sediment information. The environmental assessment is
39 budgeted for 2009. Other activities will not begin until 2010.

40
41 **k) Stone Arch Bridge**

42 Administrator Kill reported that she spoke with Barb Medinger in early October
43 about restoration activities, plans and grants Ms. Medinger is working on. A
44 presentation to the board might be a next step.

45

1 **l) Water Consortium**
2 It was noted that BCWD was mentioned in Section 1 Accomplishments of the
3 County's Groundwater Work Plan.
4

5 **11. Adjournment**
6 **Manager Taillon, seconded by Manager Vanzwol, moved to adjourn at 10:10 PM.**
7 **Vote: 5/0.**
8

9 Respectfully submitted by
10 Debbie Meister, Recorder, MMC Associates