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2 **Minutes of the Regular Meeting of the Brown's Creek Watershed District Board of**
3 **Managers, May 12, 2008**

4
5 WCD Offices, 1380 W. Frontage Road, Hwy. 36
6 Stillwater, MN 55082

APPROVED

7
8 **ROLL CALL**

Managers Present:	Others Present:
Craig Leiser, President	Jay Riggs, Administrator
Rick Vanzwol, Vice-President	Debbie Meister, Recorder
Connie Taillon, Treasurer	Joe Jablouski, US Home
Gerald Johnson, Secretary	Paula Guetter, BCWD Permit Inspector/EOR
Gail Pundsack	Camilla Correll, EOR
	Louis Smith, Smith Partners
	Travis Thiel, WCD
	Pat Conrad, EOR
	Andy Weaver, Stillwater High School

9
10 2008 Conservationist Award Ceremony and Celebration @ 6 PM. The Conservationist of the
11 Year Award was presented to Andy Weaver by Craig Leiser, BCWD President

- 12
13 **1. Call Regular Meeting to order @ 6:30 PM**
14 President Leiser called the Regular Meeting to order at 6:xx PM.
15
16 **2. Approve Regular Meeting Agenda and Discussion Agenda**
17
18 **3. Public Comments - There were none**
19
20 **4. Approve Minutes – Board Action**
21 a) **April 14, 2008 Regular Board Meeting**
22 **Manager Vanzwol, seconded by Manager Taillon, moved to approve the minutes of**
23 **the April 14, 2008 regular Board meeting. Vote: 5/0.**
24
25 **5. Treasurer's Report**
26 a) **Review Authorized Funds Spreadsheet**
27
28 b) **Current Items Payable – Board Action**

1 **Manager Taillon, seconded by Manager Vanzwol, moved to pay accounts as**
2 **presented in the amount of \$45,872.96. Roll call vote 5/0.**
3

4 **c) Permit Fee Statements Review**

5 Inspector Guetter reported continued work on receivables, with some success. She has
6 not received comments on interest charges.
7

8 **d) 2007 Audit –Board Action**

9 Administrator Riggs reported that he and Manager Pundsack reviewed the audit. It was a
10 clean audit—no changes and no issues. Because of the District’s small size there are a
11 few comments that are made each year.

12 **Manager Vanzwol, seconded by Manager Johnson, moved to accept the 2007 audit.**
13 **Vote 5/0.**
14

15 **6. Permits and Rules**

16 **a) BCWD Permit #08-09 Stone Wetland Outlet –Board Action**

17 Inspector Guetter clarified that Rick Carlson of Lennar Homes is applying to do sediment
18 removal and stabilization using riprap at the outlet. Joe Jablouski of US Home attended
19 the meeting to request that the \$5,000 surety for Stone Pond be rolled into the Millbrook
20 development. He indicated that there are more than enough fees in place for Millbrook
21 and he would like to reduce the overall funds. Lennar Homes has submitted a letter of
22 request to roll the surety.
23

24 **President Leiser, seconded by Manager Vanzwol, moved to approve Lennar Homes’**
25 **(permit #08-09) request to transfer fees under the condition that the minimum**
26 **surety of \$5,000 will be covered by the transfer from Millbrook Project #04-16. Vote**
27 **5/0.**
28

29 **b) BCWD Permit #06-01 Liberty West -- Surety Reduction Request –Board**
30 **Action**

31 Camilla Correll summarized the developer’s request to reduce the surety amount and
32 apply the balance to their fees. The site is stabilized and plans are to sell individual lots to
33 other developers.

34 **President Leiser, seconded by Manager Johnson, moved to reduce the Liberty West**
35 **(permit #06-01) surety by \$5,650 and retain \$250 for fees, leaving a total surety of**
36 **\$4,500 for the infiltration basin excavation and restoration. Vote 5/0.**
37

38 **c) BCWD Permit #06-04 Brown’s Creek Reserve (BCR) – Permit Extension**
39 **Request – Board Action**

40 On December 10, 2007 BCR asked for a permit extension. At the time, the Board
41 approved a six-month extension, with the provision that if the final permit approval has
42 not been issued by June 8, 2008, BCR would need to apply under the new rules. As the
43 project was initially reviewed in 2006, construction has not started on the project and is
44 not anticipated in the near future, and the plan does not meet the new watershed rules, the
45 board moved the following:
46

1 **Manager Vanzwol, seconded by Manager Pundsack, moved to deny Brown's Creek**
2 **Reserve's (permit #06-4) request to extend the permit because of the District's new**
3 **rules, but moved to waive the filing fee if the owner reapplies for a permit. Vote 5/0.**
4

5 Administrator Riggs was directed to send a letter explaining the Board's decision.
6

7 **7. Projects/Programs**

8 **a) 2007 Water Monitoring Presentation –Travis Thiel, WCD**

9 Travis Thiel summarized the 2007 monitoring data. He will be sending a report in the
10 next few weeks and requested comments so a final report can be completed for the June
11 meeting. For a lake to be classified as impaired, there need to be a number of readings
12 above the impaired criteria. Several lakes within the District are on the impaired list,
13 while several others are likely to be classified as impaired in 2010. The DNR only
14 classifies lakes and wetlands managed as lakes. A lake with high phosphorous levels will
15 have low secchi transparency readings. Lake grade, trophic status and trend summaries
16 are also highlighted in the report. Of note: Goggins has a significant declining trend in
17 transparency; Long shows a definite trend in improved transparency and Kismet is
18 improving overall. The dry spring and summer led to lower lake elevations, while late
19 summer and early fall rain events raised elevations. There is a long-term trend in stream
20 loading improvement, though 110th Street, Market Place and McKusick were noted for
21 high loads. Temperature, dissolved oxygen and phosphorous loading variations at sites
22 along Brown's Creek were discussed with suggestions made for increased monitoring to
23 pinpoint and alleviate sources. President Leiser thanked the WCD for an excellent report.
24

25 **b) Herberger's Pond Finalization and Monitoring**

26 Pat Conrad reported that he and the contractor reviewed the site last week and resolved
27 the outstanding maintenance issues. Two issues outside the scope of the original project
28 were also identified: inlet improvements for slope stabilization and an access pad for the
29 City of Stillwater's vac-truck. Mr. Conrad outlined two options for the inlet
30 improvements and the estimated contractor costs. Discussion focused on allocating up to
31 \$5,4000 in District funds for the improvements this year or in 2009 to reimbursing the
32 City for improvements done by city crews. It was agreed Administrator Riggs would set
33 up a meeting with City staff to discuss improvement options before a formal decision is
34 made.
35

36 **Recess at 7:48-7:56 PM**
37

38 **c) Land Conservation Program Planning**

39 Administrator Riggs conducted a mini-workshop to highlight issues and get feedback on
40 the direction for the Land Conservation Program. For open program or grant rounds the
41 general consensus was setting an annual budget for funding/support for private property
42 owners, possibly with an open program for LGUs. President Leiser urged complimenting
43 other programs such as the Washington County Land and Water Legacy Program. In
44 general, the managers agreed to begin the program leaning toward less
45 aggressive/funding intensive options, but with the flexibility to increase support when
46 significant opportunities arise. An appropriate budget for land acquisitions/easements in

1 beginning years, was recommended as not to exceed \$50,000. The CAC will be asked to
2 provide input into developing priorities for the program at its meeting on June 19.
3 Administrator Riggs will post this meeting. A joint workshop with the CAC and Board
4 was mentioned for July. Other next steps include establishing a prioritization process and
5 a subcommittee and exploring partnership opportunities.
6

7 **d) BMP Projects— Board Action**

8 **Manager Taillon, seconded by Manager Vanzwol, moved to amend the BMP policy**
9 **document set in April 2006 from approving projects at the final stage to having the**
10 **authority to approve projects at the preliminary stage provided the final costs do**
11 **not exceed the estimated budget amount by more than 10 percent. Vote 5/0.**
12

13 With this new policy, the subcommittee presented two projects with preliminary budgets
14 for approval.
15

16 **President Leiser, seconded by Manager Vanzwol, moved to approve a 50 percent**
17 **cost-share up to \$3,750 for the Whistler/Rogness/Sedlaceck Project to install**
18 **raingardens across property boundaries to reduce runoff to Brown's Creek. Vote**
19 **5/0.**
20

21 **President Leiser, seconded by Manager Vanzwol, moved to approve a 50 percent**
22 **cost-share up to \$1,550 for the Stephen's Project to install raingardens and native**
23 **plants to reduce runoff and improve water quality. Vote 5/0.**
24

25 **8. New Business**

26 **a) Kern Center Pond Investigation Scope – Board Action**

27 Camilla Correll outlined two investigation approaches to determine what is causing lower
28 than expected infiltration rates at Kern Center Pond. The managers agreed that to keep
29 costs down, the best approach is start with a surface impermeability test to assess soil
30 clogging before looking for groundwater sources. With this direction, Ms. Correll will
31 present an investigative scope at the next meeting. She will also send the Kern report to
32 Mayor Beaudet.
33

34 **b) THPP/Kismet Maintenance Scope**

35 Pat Conrad presented a scope of services for repair work at the THPP site and inspection
36 of the control structures of THPP and Kismet Basin.
37

38 **Manager Vanzwol, seconded by Manager Pundsack, moved to approve Wetland B**
39 **and C buffer repair and THPP and Kismet structure inspections for a total of**
40 **\$1,550 funded with additional funds from stormwater line item #933-000. Vote 5/0.**
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42 **9. Discussion Agenda – No Action Required**

43 **a) Permit Review – Current Inspection Update and Lake Elmo Coordination**

44 Paula Guetter reported that she is following up on the Lake Elmo coordination.

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b) EMWREP Update

Administrator Riggs reported that there are 15 billboards in the metro area, with one being in Washington County. Posters are scattered around and Angie Hong submits regular feature articles to local papers. Additional information on the campaign is on the Blue Thumb website. Administrator Riggs praised Angie Hong for her outstanding work.

c) BC Biota TMDL Update

Administrator Riggs reported that monitoring equipment has been installed, the DNR and MPCA are coordinating the macroinvertebrate sampling, groundwater work will be starting up again and the next TMDL meeting will be held on June 23.

d) Grant MS4 SWPPP Review

Administrator Riggs reported that he reviewed, provided comments and copied the Board on Grant's MS4 SWPPP.

e) Project Review and Updates

Administrator Riggs reminded the Board of the MAWD summer tour from June 19- 21.

f) Communications and Reports

Chuck Holtman submitted a summary of the District's authority to participate in the Stone Bridge restoration efforts. President Leiser will visit the site with Kevin Biehn (EOR) on June 15.

g) June 2008 BCWD Board Agenda

h) Bradshaw Property Review

Mr. Bradshaw has expressed concern about the project. He feels he has worked with the District on innovative approaches, but things are not all going well. Paula Guetter reported that she is still doing inspections and there is an issue of a leaking basement. President Leiser asked for a brief status report on the permit so that he can provide Mr. Bradshaw with an update.

i) Jackson WMA Update

The DNR is open to discussions with anyone interested in purchasing the property. Both the District and WCD are interested in such discussions.

j) Vandever Legislative Update

Rep. Vandever introduced legislation, supported by several Washington County commissioners, to require county board approval of watershed district budgets. President Leiser commented that current state statute already requires indirect approval. Managers are appointed by counties and can be removed. District budgets fall into two areas: project budgets, which are based on approved management plans and administrative budgets, which are limited. Finally, as a courtesy, the District presents its budget to the County Board before the commissioners approve the entire budget.

1 **10. Adjournment**
2 **President Leiser, seconded by Manager Vanzwol, moved to adjourn at 9:31 PM.**
3 **Vote 5/0.**

4
5 Respectfully submitted by
6 Debbie Meister, Recorder