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2 **Minutes of the Regular Meeting of the Brown's Creek Watershed District Board of**
3 **Managers, June 9, 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	Tim Freeman, FFE
Gerald Johnson, Secretary	Camilla Correll, EOR
Gail Pundsack	Chuck Holtman, Smith Partners
	Lisa Tilman, EOR
	Brian Kenneth, Lake Elmo Bank
	Barb Wolle, Lake Elmo Bank
	Kevin Biehn, EOR

- 9
10 **1. Call Regular Meeting to order @ 6:30 PM**
11 President Leiser called the Regular Meeting to order at 6:35 PM.
12
13 **2. Approve Regular Meeting Agenda and Discussion Agenda**
14 President Leiser proposed to add item 10i. Schedule 2009 Budget Dates and item 10j.
15 Invitation to Metro MAWD Meeting to the agenda.
16
17 **Manager Johnson, seconded by Manager Vanzwol, moved to approve the meeting**
18 **agenda and discussion agenda as amended. Vote: 5/0.**
19
20 **3. Public Comments**
21 Barb Wolle indicated that she, Brian Kenneth and Tim Freeman were in attendance to
22 discuss Permit #06-04 later on the agenda. The public comments were then closed.
23
24 **a) Approve Minutes – Board Action**
25 **a) May 12, 2008 Regular Board Meeting**
26 **Manager Vanzwol, seconded by Manager Pundsack, moved to approve the minutes**
27 **of the May 12, 2008 regular Board meeting. Vote: 5/0.**
28

1 President Leiser commented that both local papers published the Conservationist Award
2 article and photo.
3

4 **5. Treasurer's Report**

5 **a) Review Authorized Funds Spreadsheet**

6 Manager Pundsack commented that there are a lot of negative numbers under permitting
7 and Herberger's Pond is not reflected here. She added that escrow fees should not be in
8 the budget and volunteered to review these accounts with Administrator Riggs before the
9 budget workshop.

10 **b) Current Items Payable – Board Action**

11 **Manager Taillon, seconded by Manager Johnson, moved to pay accounts as**
12 **presented in the amount of \$32,706.44. Roll call vote: 5/0.**
13

14
15 **c) Permit Fee Statements Review**

16 Administrator Riggs reported that Fairway Villas owes \$81,851 on permit #07-07. Their
17 conditional permit is due to expire in August.
18

19 **Manager Vanzwol, seconded by Manager Johnson, moved to direct Administrator**
20 **Riggs to notify Fairway Villas and the property owner that Fairway's conditional**
21 **permit is due to expire in August, outstanding fees will be taken into account when**
22 **the permit is reviewed for renewal, should the conditional permit expire a new**
23 **application must follow the District's new rules and payment is due 30 days from**
24 **the invoice date. Vote: 5/0.**
25

26 **6. Permits and Rules**

27 **a) BCWD Permit #07-28 CR 15 –Maintenance Agreement—Update**

28 Administrator Riggs reported that the programmatic agreement has been signed. Legal
29 counsel clarified that permit 07-28 should be amended to refer to the programmatic
30 agreement. It was agreed that next month this item will be brought back for board action.
31

32 **b) BCWD Permit #06-04 Brown's Creek Reserve—Update**

33 Because the permit is set to expire at midnight, bank representatives and the project
34 engineer attended to request renewal of the permit. The board and legal counsel discussed
35 outstanding issues from the timeline of the permit extension on December 12, 2007 to the
36 title and permit transfer from Mr. Carlson to the bank, to outstanding surety fees, to
37 conditions of the permit, to possible actions the board can take. Barb Wolle clarified that
38 soil borings were done and a residence has been moved. She also stated that all work to
39 date has been under the old rules, the project will not be feasible under the new rules and
40 under the old rules the project can be completed in one year.
41

42 **Manager Vanzwol, seconded by Manager Johnson, moved to reconsider the May 12,**
43 **2008 motion to deny Brown Creek Reserve's (permit #06-04) request to extend the**
44 **permit because of the District's new rules, but to waive the filing fee if the owner**
45 **reapplies for a permit. Vote: 5/0.**
46

1 **Manager Vanzwol, seconded by Manager Johnson, moved to convert the conditional**
2 **permit to a full permit pending submission and clearing of the surety, submission of**
3 **the declaration within the next 10 days and review and finalization and recording of**
4 **the declaration with the agreement that the permit can only be transferred by**
5 **permission of the District, the new owner must comply with conditions of this**
6 **permit, the work must be completed within one year from the date of the permit**
7 **renewal notification, requirements in the original permit must be completed and**
8 **inspections will be required. Vote: 5/0.**
9

10 c) **BCWD Permit #06-30 WATE Office Park**

11 Administrator Riggs reported that Todd Erickson submitted a letter to the District stating
12 that his client Will Zintl intends to meet conditions of his permit by June 30, 2008. Legal
13 counsel stated that in order to avoid a special meeting, the board needs to issue a permit
14 renewal tonight. He also clarified that a permit is valid for one year from the date the
15 permittee is informed of the renewal approval, not from the date the surety is paid or
16 other conditions for permit issuance are completed.
17

18 **President Leiser, seconded by Manager Vanzwol, moved that the permit renewal be**
19 **approved for the WATE Office Park for one year from the date of the notification**
20 **letter, provided the appropriate checks are deposited with the administrator and all**
21 **necessary documents including the buffer declaration are recorded by the June 30,**
22 **2008 deadline. Vote: 5/0.**
23

24 7. **Projects/Programs**

25 a) **Land Conservation Program**

26 Administrator Riggs stated that a joint CAC/board workshop should be scheduled to
27 begin identifying District treasures (environmental, historical, biological, or other) and
28 prioritizing them for conservation. He suggested reviewing *Identifying Optimal*
29 *Conservation Areas and Criteria*, now available from the DNR, for possible adoption.
30 Manager Vanzwol will chair the CAC meeting on July 17th. He encouraged board
31 members to recruit folks for the CAC. The joint workshop was set for July 17th. An EOR
32 staff member will attend and Administrator Riggs will post the meeting.
33

34 b) **2007 Water Monitoring Report**

35 **President Leister, seconded by Manager Vanzwol, moved to accept the 2007 Water**
36 **Monitoring Report with distribution to BWSR, the Water Consortium and the**
37 **Washington County Administrator and posting on the District Web site. Vote: 5/0.**
38

39 c) **2007 Annual Report.**

40 **Manager Vanzwol, seconded by Manager Johnson, moved to accept the 2007**
41 **Annual Report with distribution to BWSR, the Water Consortium and the**
42 **Washington County Administrator and posting on the District Web site. Vote: 5/0.**
43

44 d) **BMP Projects— Board Action**

1 **President Leiser, seconded by Manager Johnson, moved to amend the previously**
2 **approved accounts payable to issue a check to the Wessels for \$760 for rain garden**
3 **construction. Vote: 5/0.**
4

5 Administrator Riggs provided an update on the 2007 and 2008 projects. Manager Taillon
6 summarized the Brown's Creek 5, the Ostlie Residence and Elizabeth Nelson projects.
7

8 **Manager Vanzwol, seconded by Manager Johnson, moved to approve 50% of the**
9 **Brown's Creek 5 cost share not to exceed \$6,500 with the conditions that the rain**
10 **garden adjacent to the play area on the Brod property be protected and individual**
11 **contracts be issued. Vote: 5/0.**
12

13 **Manager Vanzwol, seconded by Manager Johnson, moved to approve 50% of the**
14 **Ostlie Residence cost share not to exceed \$1,350 with the condition the project be**
15 **approved by the Liberty Landscape Committee. Vote: 5/0.**
16

17 **President Leiser, seconded by Manager Pundsack, moved to approve 50% of the**
18 **Elizabeth Nelson cost share not to exceed \$2,500. Vote: 5/0.**
19

20 President Leiser stated that he is pleased to see a project in another area.

21 It was noted that the Homeowner BMP Program (line item #914) has a current balance of
22 \$22,476 and would make a good feature article for community newspapers.
23

24 **Recess at 8:18-8:26 PM**
25

26 **8. New Business**

27 **a). Bradshaw Property Review**

28 President Leiser summarized the property as a demonstration of innovative stormwater
29 management that also has ongoing erosion problems. The owner is dealing with the
30 erosion, but would like to move forward with his permit #02-12. (A second permit #01-5
31 will remain open until the last building is completed.) Five permit options were outlined
32 related to the fee balance and the erosion. Camilla Correll provided inspection and
33 billing information. Based on this information, the board determined that Mr. Bradshaw
34 had been billed for some activities not directly related to the specific permit in question
35 or after work under the permit had been completed.
36

37 **Manager Pundsack, seconded by Manger Vanzwol, moved that Mr. Bradshaw be**
38 **billed for \$1,451.06 representing the outstanding permit expenses incurred while**
39 **fulfilling his permit requirements with the District incurring the cost for expenses**
40 **accrued after his permit was satisfied and with those funds coming from item #929-**
41 **001 Market Place Ponds. Vote: 5/0.**
42

43 Administrator Riggs will call Mr. Bradshaw and follow up with a letter to outline the
44 board's decision, express appreciation of his work and indicate the District will provide
45 technical help on the erosion problems once his permit is closed. Administrator Riggs
46 will try to arrange a site visit the week of June 16th.

1
2 **b). Kern Center Pond Investigation – Board Action**

3 Lisa Tilman and Camilla Correll presented the scope of services to investigate soil
4 clogging in Kern Center Pond. Discussion included clogged soil, a perched groundwater
5 table and/or soil compaction during construction as possible causes of infiltration
6 problems, the possibility of the pond exceeding capacity and causing damage to adjacent
7 properties, Oak Park Heights' requirement to do pond maintenance and next steps. It was
8 agreed that Manager Pundsack would investigate budget item #916-000 (BMP
9 Monitoring-Bradshaw) to determine if these funds could be allocated to the soil clogging
10 investigation. Ms. Tilman stated that she had sent the monitoring report to Mayor
11 Beaudet and informed him of the investigative work.
12

13 **c) Herberger's Pond Modifications**

14 Administrator Riggs will set up a meeting with City staff to discuss improvement options
15 before next steps are taken. Camilla Correll will get input from Pat Conrad.
16

17 **d) Stonebridge Restoration**

18 Kevin Biehn presented two separate proposals—one for the Stone Arch Bridge instream
19 stabilization and one for a Brown's Creek restoration rails-to-trails feasibility study.
20 Before bridge restoration, it is essential that erosion control and water redirection be
21 completed. Managers discussed the urgency of the project and funding because
22 volunteers are ready to begin the bridge restoration work. Legal counsel indicated that a
23 formal bid process for the instream stabilization is not required. The DNR has already
24 permitted the bridge reconstruction. Manager Johnson volunteered to meet with Barb
25 Medinger about securing a community match of \$5,000 for plantings.
26

27 **Manager Pundsack, seconded by Manager Vanzwol, moved, because of the**
28 **apparent urgency to have the creek bed stabilized, to transfer \$5,250 from Brown's**
29 **Creek Erosion Inventory (#941-0000) and \$5,000 from Homeowner BMP (#914-**
30 **0000) to the BMP-LGU Demonstration Projects (#940-0000) for the stabilization**
31 **process including the engineering and construction of rock vanes, water flow**
32 **reconstruction and reinforcement of the wing walls and to authorize EOR to move**
33 **forward. Vote: 5/0.**
34

35 **President Leiser, seconded by Manager Vanzwol, moved to authorize legal counsel**
36 **to draft the appropriate documentation and direct Administrator Riggs and Kevin**
37 **Biehn to discuss the project with and seek a letter of understanding including a 10-**
38 **year project agreement from Barb Medinger. Vote: 5/0.**
39

40 **9. New Business**

41 **a) Stillwater LSWMP Maintenance Agreement — Board Action**
42 **Manager Vanzwol, seconded by Manager Johnson, moved to authorize staff and**
43 **legal counsel to finalize the maintenance agreement document to present to the**
44 **Stillwater City Council. Vote: 5/0.**
45

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

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

2 President Leiser volunteered to help draft and sign a letter of recognition to permittees
3 who completed their projects with an excellent inspection grade and thanking them for
4 their outstanding work.

5
6 **b) CAC Update**

7 See above.

8
9 **c) BC Biota TMDL Update**

10 Manager Vanzwol reported that the Regan Fen meeting was postponed.

11
12 **d) Groundwater Dependent Natural Resources Management Plan Update**

13
14 **e) FEMA Floodplain Mapping Update**

15 Administrator Riggs reported that the City of Grant received many letters of concern in
16 response to the city's informational letter on floodplain mapping.

17
18 **f) EMWREP Update**

19 The managers commended Angie Hong for the great job she is doing.

20
21 **g) Communications & Reports**

22
23 **h) July 2008 BCWD Board Agenda**

24 .
25 **i) Schedule 2009 Budget Dates**

26 A budget workshop was scheduled for July 24th. President Leiser suggested that the
27 budget be held to inflationary increases and requested that legal and engineering
28 contractors provide budget estimates.

29
30 **j) Invitation to Metro MAWD Meeting on June 10**

31
32 **11. Adjournment**

33 **Manager Vanzwol, seconded by Manger Johnson, moved to adjourn at 10:15 PM.**

34
35
36 Respectfully submitted by
37 Debbie Meister, Recorder