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**Minutes of the Annual and Regular Meeting of the Brown's Creek Watershed District
Board of Managers, December 8, 2008**

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

APPROVED

ROLL CALL

Present:	Others Present:
Craig Leiser, President	Karen Kill, Administrator
Rick Vanzwol, Vice-President	Debbie Meister, Recorder
Connie Taillon, Treasurer	Ryan Fleming, EOR
Gerald Johnson, Secretary	Lewis Smith, Smith Partners
Gail Pundsack, Vice-President	David Korte, resident
	Karen Kilberg, resident
	Dave Fabio, resident
	Jyneen Thatcher, resident/WCD

1. Call Annual Meeting to order @ 6:30 PM

President Leiser called the Annual Meeting to order at 6:34 PM.

a) Approve Annual Meeting Agenda

Manager Vanzwol, seconded by Manager Taillon, moved to approve the Annual Meeting agenda as presented. Vote: 4/0/1.

Manager Johnson arrived at 6:35 PM.

b) Review of 2008 Activities and Manager Comments

President Leiser summarized the 2008 accomplishments and asked Managers to comment on what they thought were significant accomplishments. President Leiser stated that even when the Administrator was on maternity leave, Jay Riggs seamlessly took over and everything moved right along. Fairway Villas was another challenge that the District was able to deal with professionally and with significant results. He also stated that he is impressed with the air of cooperation and collegiality and spirit of willingness to work together. He is pleased to have been president for the past year. Manager Vanzwol added that with Fairway Villas, the District learned from the process and will have cost containments on future projects. Manager Taillon praised the success of the BMP cost

1 share and the shared stormwater educator and is looking forward to the Land
2 Conservation Program taking shape. Manager Pundsack stated that it is an extremely
3 productive list of accomplishments along with the District being able to balance costs and
4 needs for taxpayers. She attributed much of the success to the professional staff and
5 Administrator helping with the work. Manager Johnson also cited the homeowner BMP
6 Program and the District's better ability at keeping costs in line, making decisions and
7 being forward thinking. Administrator Kill stated that she feels fortunate and proud to
8 work with the agency and Board. She noted that the District is past the planning stage and
9 has some on-the-ground projects. Attorney Smith stated that with a state-wide perspective,
10 counsel often points to the District's cost-share program and its homeowner involvement.
11 He is excited for the Land Conservation Program. Ryan Fleming stated that he is
12 impressed with the long list of accomplishments and feels proud and honored to work
13 with the District.

14
15 **c) Election of Officers**

16 **Manager Vanzwol, seconded by Manager Johnson, moved to approve the present**
17 **slate of officers with the addition of Manager Pundsack as an additional Vice-**
18 **President. Vote: 5/0.**

19
20 **d) Annual selection of Bank**

21 **Manager Vanzwol, seconded Manager Taillon, moved to continue with US Bank as**
22 **the District's financial institution. Vote: 5/0.**

23
24 **e) Annual Selection of Official Newspaper**

25 **Manager Johnson, seconded by Manager Taillon, moved to continue with the**
26 **Stillwater Gazette as the official newspaper of record and include notice to the free**
27 **weekly papers and the Courier for publication when possible. Vote: 5/0.**

28
29 **f) Adjourn Annual Meeting**

30 There were no further public comments.

31
32 **Manager Vanzwol, seconded by Manager Johnson, moved to adjourn the Annual**
33 **Meeting. Vote: 5/0.**

34
35 The Annual Meeting was adjourned at 7:05 p.m.

36
37 **2. Call Regular Meeting to Order**

38 President Leiser called the Regular Meeting to order at 7:05 PM.

39
40 **3. Approve Regular Meeting Agenda and Discussion Agenda**

41 **Manager Pundsack, seconded by Manager Johnson, moved to approve the Regular**
42 **Meeting agenda and discussion agenda as presented. Vote: 5/0.**

43
44 **4. Public Comments**

45 David Korte publicly thanked the Managers and stated that it is overwhelming how many
46 people take time out of their lives to do this work and not a lot of people realize you are
47 doing this. He also stated that he has been very impressed with work of the District.

1
2 **5. Approve November 10, 2008 Regular Meeting Minutes—Board Action**

3 Administrator Kill noted that legal counsel had clarified several items in the minutes.
4

5 **Manager Johnson, seconded by Manager Vanzwol, moved to approve the minutes of**
6 **the November 10, 2008 regular Board meeting as amended. Vote: 5/0.**
7

8 **6. Permits/Rules**

9 **a) Permit #07-07 Fairway Villas—Status Update**

10 Administrator Kill reported that Fairway Villas paid the permit fees and deposit in full on
11 December 8, 2008 prior to 5PM. Once the check clears, she will provide a letter stating
12 that the permit conditional approval will be extended. This payment now clears \$75,630
13 from the budget deficit.
14

15 **b) Resolution #08-16 Keystone Avenue Culverts—Board Action**

16 Ryan Fleming presented an overview of the application to replace two existing culverts
17 directing drainage under Keystone Avenue, which triggered the erosion control and flood
18 plain and drainage rules. The culvert is rusting and a sinkhole is developing.
19

20 Karen Kilberg thanked the District for notification and outlined several
21 concerns/questions: 1.) Access for residents and one business during repair work will be
22 difficult. The ½-mile road dead-ends, is narrow and has no shoulders. 2.) Can the work be
23 completed in one day to minimize disruption? 3.) How much advance notice will be
24 given? 4.) Can this wait until spring?
25

26 Jyneen Thatcher noted that there is a gas line. Other issues discussed included: fire truck
27 access during construction, revegetation of the area, spring water flows, accommodating
28 ingress and egress during construction, potential need for tree removal, the proposed
29 compaction being sufficient to hold during the winter, adequate notification to residents,
30 the sheriff, fire department and school district and material storage during construction.
31

32 **Manager Vanzwol, seconded by Manager Pundsack, moved approval of permit No.**
33 **08-16 for Keystone Avenue culvert replacement with the following requirements: an**
34 **updated plan be submitted indicating any necessary tree removal and location of**
35 **spoil storage. The Board also made the following recommendations: ample notice to**
36 **residents be provided, egress and ingress be indicated, the fire department be**
37 **notified, and the work be completed as quickly as possible Vote: 4/0/1.** Manager
38 Taillon abstained due to her employment with TKDA, the engineering firm for May
39 Township.
40

41 **7. Projects/Programs**

42 **a) Long Lake Drawdown Feasibility Study—Update Presentation**

43 Ryan Fleming summarized the study to date. Remaining tasks are completing the
44 sediment analysis, developing a fish restocking plan with the Department of Natural
45 Resources and finalizing the feasibility study with cost estimates and recommendations.
46 Several issues were identified for further assessment in an environmental impact
47 statement: groundwater inflow, controlling elevation levels to prevent backflow and

1 impact on wildlife. Concerns were raised about the ability of the drawdown to decrease
2 emergents and nutrients, the feasibility and cost of dredging and the ability of the
3 drawdown to achieve water quality goals versus more cost-effective options. President
4 Leiser requested that EOR prepare a three- to five-minute slide update for the City
5 Council. It was noted that regardless of the conclusion of the feasibility study, a series
6 of public meetings will be needed. Dave Fabio offered to provide a video to the Board on
7 the area wildlife.
8

9 **b) BMP Projects- Completed Projects Requesting Reimbursement—Board
10 Action**

11 **Manager Vanzwol, seconded by Manager Johnson, moved to reimburse the**
12 **Bartley's \$733.50 for their BMP cost share. Vote: 5/0.**
13

14 **8. Treasurer's Report**

15 **a) Review Authorized Funds Spreadsheet**

16
17 **b) Current Items Payable—Board Action**

18 **Manager Taillon, seconded by Manager Johnson, moved to pay \$39,891.04 as**
19 **presented. Role call vote: 4/0/1.**
20

21 **c) Permit Fee Statements Review/Permit Inspector Status Update**

22 Manager Vanzwol reported that he reviewed the March minutes, which stated that permit
23 inspectors will bill at \$37 per hour. Administrator Kill stated that the March 2007 scope
24 of services stated inspections were to be seasonal, after which Ryan Fleming would bill at
25 the normal rate. She recommended using engineer-in-training Amanda Bergstrom at \$40
26 per hour. Questions remained about the inspection rate if Ms. Bergstrom is not available.
27

28 **Manager Vanzwol, seconded by Manager Pundsack, moved to reimburse permit**
29 **inspections at the rate of \$40 per hour. Vote: 3/1/1.** Manager Johnson opposed and
30 Manager Taillon abstained.
31

32 President Leiser, requested that one of EOR's principal partners or the CFO attend the
33 January Board meeting to clarify and verify the inspection payment rate.
34

35 Administrator Kill reported that Jason Sprague will attend an upcoming Consortium
36 meeting to provide an update on online inspection reporting.
37

38 Legal counsel reported that under IRS rule, the District does not have authority to issue
39 1099s for permit fees that have been uncollected and written off. Counsel will draft a
40 resolution for the next Board meeting proposing a policy for turning uncollected fees to a
41 collection agency.
42

43 **9. Old Business**

44 **a) Strategic Planning Workshop—Board Action**

45 President Leiser reported on his progress to contract with a workshop facilitator.
46

1 **Manager Vanzwol, seconded by Manager Johnson, moved to authorize President**
2 **Leiser and Administrator Kill to select a facilitator for the strategic planning**
3 **workshop. Vote: 4/0/1. Manager Leiser abstained.**
4

5 **10. New Business**

6 a) **Washington Conservation District Service Agreement Amendment 2008-08-**
7 **02—Board Action**

8 **President Leiser, seconded by Manager Vanzwol, moved to table discussion and**
9 **action on service agreement amendment 2008-08-02 until the budget is discussed in**
10 **its entirety. Vote: 5/0.**
11

12 b) **2009 Proposed Budget—Final Levy Discussion**

13 Administrator Kill reported that overall there is a 9.4 percent decrease in the budget.

14
15 **President Leiser, seconded by Manager Vanzwol, moved to take service agreement**
16 **amendment 2008-08-02 off the table. Vote: 5/0.**
17

18 **President Leiser, seconded by Manager Vanzwol, moved to accept the service**
19 **agreement amendment 2008-08-02 to contract with Washington Conservation**
20 **District for water monitoring services as presented. Vote: 5/0.**
21

22
23 c) **Resolution 08-05 2009 Final Budget and Levy Certification—Board Action**
24 **President Leiser, seconded by Manager Vanzwol, moved to approve Resolution #08-**
25 **05 Final Levy Certification and submit \$742,642 as the levy amount once the**
26 **Fairview Villa check clears and, if the check does not clear, to increase the levy**
27 **amount to \$818,275. Roll call vote: 5/0.**
28

29 d) **Investment Opportunities—Board Action**

30 Administrator Kill reported on her US Bank meeting to discuss investing in CDs. She
31 recommended investing in shorter-term and staggered CDs.
32

33 **President Leiser, seconded by Manager Johnson, moved to authorize Administrator**
34 **Kill to invest levy funds in sequential three to nine month CDs in the legally allowed**
35 **investment tools and give Treasurer Taillon and Administrator Kill discretion to**
36 **move investments at the appropriate dates. Vote: 5/0.**
37

38 **President Leiser, seconded by Manager Pundsack, moved to authorize the District**
39 **secretary to sign the appropriate documents for submittal to the bank. Vote: 5/0.**
40

41 **11. Discussion Agenda—No Action Required**

42 a) **Administrator Updates**

43 i. **Permit Review**

44 Ryan Fleming and Amanda Bergstrom will verify that bio-logs have been
45 installed at Sanctuary North Block 2 Lot 4.
46
47

1 **ii. Land Conservation Program**

2 Administrator Kill reported that her intent is to provide monthly updates. She,
3 Manager Vanzwol, Melissa Arikian and Kevin Biehn met with Steve Hobbs to
4 develop a general theme for protection. Mr. Hobbs will continue to work with
5 EOR staff on identifying specific sites and developing site designs and a
6 prioritization process. Existing funds should enable completing the initial site
7 designs. Ongoing costs include acquisition, holding, inspection, and plan
8 updates.

9
10 **iii. Stonebridge**

11 Barb Medinger will attend the January meeting.

12
13 **iv. MAWD Conference**

14 President Leiser reported that the MAWD bylaw amendment passed, changing
15 dues structure beginning in 2010. Eleven resolutions were passed including
16 clarification of the Clean Water Legacy Council, lake drawdowns, and
17 opposition to Amendment #9, which authorizes county approval of watershed
18 district budgets. President Leiser will be talking to Washington County
19 commissioners about this amendment. He also noted that he was elected to the
20 MAWD board.

21
22 **v. Other Project/Program Status**

23 Administrator Kill noted that overall the District's accounting is good, but
24 through the state auditor's presentation at MAWD, she learned of a few things
25 to add to internal policies documentation.

26
27 **b) Joint Meeting with City of Stillwater – 4:30 PM on Tuesday, January 20th**

28
29 **c) Communications & Manager Reports**

30 Manager Taillon was named Conservationist of the Year by the Soil and Water
31 Conservation District. President Leiser stated that he would like the BCWD to continue
32 with a conservationist of the year award. It was noted at the Consortium meeting that the
33 Lower St. Croix Watershed District is considering merging with another district.

34
35 **d) January 2009 BCWD Board Agenda**

36
37 **12. Adjournment**

38 **Manager Johnson, seconded by Manager Taillon moved to adjourn at 10:00 PM.**
39 **Vote: 5/0.**

40
41 Respectfully submitted by
42 Debbie Meister, Recorder, MMC Associates
43