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Minutes of the Regular Meeting of the Brown's Creek Watershed District Board of Managers, March 10, 2008

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

APPROVED

ROLL CALL

Managers Present:	Others Present:
Craig Leiser, President	Karen Kill, Administrator
Rick Vanzwol, Vice-President	Debbie Meister, Recorder
Connie Taillon, Treasurer	Camilla Correll, EOR
Gerald Johnson, Secretary	Michael Welch, Smith Partners
Gail Pundsack, Manager	

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

President Leiser called the Regular Meeting to order at 6:35 PM.

2. Approve Regular Meeting Agenda and Discussion Agenda

Manager Vanzwol requested the addition of item 8f. FEMA Maps. Administrator Kill requested the addition of 8g. City of Grant Communications and the deletion of item 6a. BCWD Permit #06-04 as there was not sufficient time to post a public meeting notice.

Manager Vanzwol, seconded by Manager Johnson, moved to approve the agenda and discussion agenda as amended. Vote 5/0.

3. Public Comments

Manager Vanzwol distributed a reprint of a historical Brown's Creek article that appeared in the White Bear Press in 1976.

4. Approve Minutes—Board Action

a) **February 11, 2008 Regular Board Meeting**

Manager Vanzwol, seconded by Manager Johnson, moved to approve the minutes of the February 11, 2008 regular Board Meeting as amended. Vote 5/0.

1 **5. Treasurer's Report**

2 **a) Review Authorized Funds Spreadsheet**

3 See item 5d below.

4
5 **b) Current Items Payable – Board Action**

6 **Manager Taillon, seconded by President Leiser, moved to pay bills as presented in**
7 **the amount of \$24,553.14. Roll call vote 5/0.**

8
9 Administrator Kill reported that she contacted the bank regarding varying interest rates
10 on accounts and will continue to pursue a better rate for the lower interest-bearing
11 accounts.

12
13 **c) Permit Fee Statements Review**

14 Administrator Kill indicated that this is a condensed report summarizing open permit
15 accounts. She highlighted several permit issues: Fairway Villas need to provide a final
16 document and pay outstanding fees; Settler's Glen 5th Addition was issued a stop work
17 order and fees are outstanding; although Lennar has been sending small checks, the bulk
18 of their fees are outstanding; Village at Oak Park Heights stated that a check was sent; a
19 follow-up letter to Liberty West is needed; per a request by Legacy on Long Lake
20 invoices were resent and Stillwater Country Club has issues with the amount of their
21 permit fees. Administrator Kill reported that she will be sending a letter on Friday
22 assessing interest charges to permittees with overdue accounts. She distributed an Annual
23 Summary of Exempt Permit Fees, which will be used during the budgeting process.

24
25 **d) 2007/2008 Budget Review**

26 Administrator Kill reported that she is working with the accountant to merge some
27 account categories, double check account numbers for accuracy especially the 929—
28 Long Lake accounts and double check the 2006/2007 carried over funds. She also stated
29 that the 2008 General Fund reflects tax levy revenue and expenses and is accurate.
30 Administrator Kill clarified that the higher than expected cost for permitting reflects
31 many more permits than anticipated and projects that were time consuming, rather than
32 simply undercharging for permits. Manager Pundsack recommended using expense
33 offsets to reflect reimbursement for permit fees.

34
35 **6. Permit/Rules**

36 **a) Permit Fee Invoice Requests – Board Action**

37 Administrator Kill reported that in response to Legacy on Long Lake's (Permit No. 06-08)
38 request for all detailed invoices, legal counsel advised that release of the legal counsel's
39 invoices would require board action because of attorney-client privilege. Legal counsel
40 further advised that the Board can delegate authority to waive the privilege to the
41 administrator on the review and advice of counsel. Discussion included: the responsibility
42 of a government body to release information and that over the years the BCWD has had
43 only about a dozen requests for detailed invoices.

44
45 **Manager Vanzwol, seconded by Manager Pundsack, moved to delegate authority to**
46 **the Administrator to exercise the Board's right to waive the attorney-client privilege**

1 **for the release of detailed legal invoices in consultation with the District's legal**
2 **counsel. Vote 5/0.**
3

4 **7. Projects/Programs**

5 **a) VSMP – Stillwater High School Request for Equipment – (2008 Budget Account**
6 **911-0000) – Board Action**

7 Following last month's presentation, Manager Johnson called Andy Weaver to thank him
8 on behalf of the Board for the school's outstanding work and to encourage Mr. Weaver to
9 submit any monitoring equipment requests he might have. Manager Johnson announced
10 that student Abby Williams placed first at the regional science fair for her Advanced
11 Placement monitoring project.
12

13 **Manager Johnson, seconded by Manager Vanzwol, moved to authorize up to \$1,150**
14 **for a computer and up to \$350 for miscellaneous equipment from account 911-0000**
15 **for the Stillwater High School Volunteer Stream Monitoring Program and to**
16 **encourage press coverage of the Volunteer Stream Monitoring Program and Abby**
17 **Williams' presentation to the board and her success in the state competition. Vote**
18 **5/0.**
19

20 President Leiser agreed to call reporter Mary Divine and Manager Vanzwol volunteered
21 to call freelance reporter Corrine Livesay.
22

23 **b) Brown's Creek TMDL -- Equipment Purchase (2008 Budget Account 300-4640) –**
24 **Board Action**

25 Administrator Kill reported that per the Technical Advisory Committee recommendation
26 to add a monitoring station at Hwy 5 near the Stonebridge, a budget request was
27 submitted to the MPCA. The MPCA provided the majority of the necessary equipment,
28 but was not able to provide the monitoring box, solar panel, staff gage, 12-volt battery,
29 power cable and tubing coupler.
30

31 **President Leiser, seconded by Manager Pundsack, moved to authorize the**
32 **expenditure of \$1,585 from account 300-4640 for equipment and upgrades to**
33 **purchase the additional equipment for the Brown's Creek Biota TMDL monitoring.**
34 **Vote 5/0.**
35

36 **8. New Business**

37 **a) BWSR Cooperative Weed Management Area Grant Application – Letter of**
38 **Support (2008 Budget Contingency Reserve) –Board Action —**

39 On behalf of Jyneen Thatcher (WCD), Administrator Kill presented a draft grant proposal
40 for a cooperative weed management project in Washington County and a draft letter of
41 District support. The grant will provide additional funds for BCWD's Best Management
42 Practices Program. Current budgeted funds, plus an additional 40 hours of in-kind for
43 administration, would meet the District's match. Per manager request, Administrator Kill
44 will ask that purple loosestrife be added to the list of weeds.
45

1 **President Leiser, seconded by Manager Vanzwol, moved to authorize Administrator**
2 **Kill to submit the letter of support for the Cooperative Weed Management Area**
3 **Grant with additional in-kind administration of \$2,200. Vote 5/0.**
4

5 **b) Annual Appointment of Citizen Advisory Committee –Board Action.**
6 **Manager Vanzwol, seconded by President Leiser, moved to appoint the following to**
7 **the Citizen Advisory Committee: Norman Lee Busse, Tom Henderson, Lee Miller,**
8 **Bill Pelfrey, Paul Richtman, Karen Richtman and Dan Kalmon. Vote 5/0.**
9

10 **c) EOR Professional Service Contract—Midterm Rate Review –Board Action**
11 Camilla Correll presented EOR’s proposed 2008 hourly fee schedule and clarified that
12 the permit inspector (formerly residential permit inspector) will bill at \$37/hour.
13 **Manager Vanzwol, seconded by Manager Johnson, moved to adopt the 2008 hourly**
14 **fee schedule including the \$37/hour for permit inspector effective March 1, 2008.**
15 **Vote 5/0.**
16

17 **d) Annual Report–Board Action**

18 Administrator Kill presented the draft 2007 Annual Report. The Audit Report, Appendix
19 A—2007 Audit and Appendix B – 2007 Water Monitoring Summary, will need to be
20 inserted when they are completed. Although BWSR requires reports be submitted by
21 May 1st, it is unlikely the audit will be completed by then.
22

23 **President Leiser, seconded by Manager Vanzwol, moved to authorize the**
24 **administrator or acting administrator to add the 2007 Audit report and the 2007**
25 **Water Monitoring Summary and approve the Annual Report pending the addition**
26 **of these items. Vote 5/0.**
27

28 **e) LMCIT—Liability Coverage Waiver Form –Board Action**
29 **Manager Vanzwol, seconded by Manager Johnson, moved to not waive the**
30 **monetary limits on municipal tort liability established by Minnesota Statutes 466.04**
31 **and to change “the city” to “the watershed district.” Vote 5/0.**
32

33 **f) FEMA Maps**

34 President Leiser related that according to new FEMA maps, Washington County has an
35 identifiable flood plain. This has flood insurance implications for property owners. After
36 discussion, the managers directed legal counsel to provide clarification on the watershed
37 district’s responsibility for informing/working with LGUs on this matter. It was
38 mentioned that the Washington County Consortium discussed having a presentation on
39 the flood plain issue.
40

41 **g) City of Grant Communication**

42 Several managers and Administrator Kill have been in communication with Grant about
43 its Comp Plan and adopting by resolution the District’s Management Plan. City engineer
44 Diane Hankee requested a letter from BCWD outlining exactly what the city must do to
45 adopt the District’s Watershed Management Plan.
46

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

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

2 Administrator Kill reported that the David Scott Homes property is now in compliance
3 and that Mr. Reed provided a list of potential violations on other Sanctuary properties.
4 Administrator Kill will coordinate inspections of these properties.
5

6 **b) Project Review and Updates**

7 • **Groundwater Dependent Natural Resources Management Plan Update**

8 Discussion was tabled.

9 • **Boundary Changes—Update by Administrator**

10 Washington County is spearheading efforts to cleanup watershed district
11 boundaries. There are some orphan areas and some indescribable areas because of
12 subdivisions happening across districts. The County is willing to draft petition
13 language for boundary changes to submit to BWSR, finalize maps and draft legal
14 language.
15

16 • **Herberger’s Pond Monitoring Scope– Update**

17 Administrator Kill reported that she met with Travis Thiel (WCD) and Pat Conrad
18 (EOR) to talk about monitoring at the Herberger’s pond outlet. WCD will not be
19 able to add an additional monitoring site in 2008. Mr. Conrad suggested possibly
20 waiting a year before monitoring to let the pond stabilize. If necessary, EOR
21 would have time to do the monitoring.
22

23 • **BCWD Rules Training on March 12th – Update**

24 Camilla Correll and Administrator Kill reported that the training session will be
25 held at the Stillwater Library from 1-4 p.m. Two case studies will be used to
26 highlight how BCWD rules are being used. Manager Vanzwol plans to attend. All
27 seven communities within the District have been invited.
28

29 **c) Communications & Reports**

30 • **Metro MAWD Update – Craig Leiser**

31 President Leiser attended the 2/19 meeting, which covered red flag issues such as
32 FEMA mapping and a legislative briefing.
33

34 • **Jackson WMA –Update from Insurance Provider by Administrator**

35 Administrator Kill provided follow-up information raised at last month’s meeting:
36 the current insurance policy will cover both easements and management; the
37 Board will need to adopt a management plan; per Administrator Kill’s review,
38 there were no recorded easements back to the 1800s and Administrator Kill is
39 waiting for the DNR to respond regarding the DNR’s plans for the property and
40 how they plan to progress. President Leiser recommended adding this issue to the
41 CAC agenda.
42

43 • **Carnelian-Marine-St. Croix Watershed (CMSCWD) District Draft Rules**
44 CMSCWD submitted their draft rules to BCWD for review.
45

46 • **MAWD Legislative Update Feb. 29, 2008**
47

1 d) **April 2008 Board Agenda**

- 2 • Land Conservation Program – Next Steps
- 3 • BCWD Buffer Map
- 4 • THPP Monitoring Summary Presentation
- 5 • FEMA Maps-- Legal Counsel
- 6 • BCWD Permit #06-04 Brown's Creek Reserve – Permit Transfer – Board
- 7 Action
- 8 • Groundwater Dependent Natural Resources Management Plan Update

9 The next board meeting is on April 14, 2008.

10

11 **10. Adjournment**

12 **Manager Vanzwol, seconded by Manager Taillon, move to adjourn at 8:45 PM.**

13 **Vote 5-0.**

14

15 Respectfully Submitted by

16 Debbie Meister, Recorder