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2 **Minutes of the Regular Meeting of the Brown's Creek Watershed District Board of**  
3 **Managers, April 14, 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	Karen Kill, Administrator,
Rick Vanzwol, Vice-President	Jay Riggs, Administrator
Connie Taillon, Treasurer	Debbie Meister, Recorder
Gerald Johnson, Secretary	Lisa Tilman, EOR
	Camilla Correll, EOR
Absent: Gail Pundsack	Chuck Holtman, Smith Partners
	Ryan Fleming, EOR

- 9  
10 **1. Call Regular Meeting to order @ 6:30 PM**  
11 President Leiser called the Regular Meeting to order at 6:32 PM.  
12  
13 **2. Approve Regular Meeting Agenda and Discussion Agenda**  
14 President Leiser requested the addition of item 8b. Conservationist of the Year Award.  
15 Manager Vanzwol requested the addition of item 8c. FEMA Maps.  
16  
17 **Manager Vanzwol, seconded by Manager Johnson moved to approve the agenda**  
18 **and discussion as amended. Vote 4-0.**  
19  
20 **3. Public Comments**  
21 There were no comments.  
22  
23 **4. Approve Minutes—Board Action**  
24 a) March 10, 2008 Regular Board Meeting  
25 **Manager Vanzwol, seconded by Manager Taillon, moved to approve the minutes of**  
26 **the March 10, 2008 regular Board Meeting. Vote 4/0.**  
27  
28 **5. Treasurer's Report**  
29 a) Review Authorized Funds Spreadsheet

1 Administrator Kill reported that after the tax season she will work with the accountant to  
2 verify numbers and with Manager Pundsack on presenting permit information. She noted  
3 that Volunteer Stream Monitoring has been added to the account items.  
4

5 **b) Current Items Payable—Board Action**

6 **Manager Taillon, seconded by Manager Vanzwol, moved to pay bills as presented in**  
7 **the amount of \$64,940.30. Roll call vote 4/0.**  
8

9 Manager Kill noted that she will get the \$35 bank fee reversed.  
10

11 **c) Permit Fee Statements Review**

12 Administrator Kill reported that outstanding fees are down to about \$115,000. Other  
13 items Administrator Kill highlighted: she called Bradshaw Funeral Homes about  
14 scheduling a meeting, Liberty West (#06-01) will be requesting a surety reduction,  
15 Stillwater Country Club (#07-08) has had issues with the fees and Mary Ann Sandeen of  
16 Fairway Villas called, but nothing has been sent.  
17

18 **6. Permits/Rules**

19 **a) BCWD Permit #06-04 Brown's Creek Reserve--Permit Transfer --Board**  
20 **Action**

21 On June 9, 2008 the permit will expire. Lake Elmo Bank, as the current owner, would  
22 like the permit transferred from former owner Rick Carlson to them. This request has  
23 been publicly noticed.

24 **President Leiser, seconded by Manager Johnson, moved to authorize the transfer of**  
25 **Permit #06-04 from Rick Carlson to the Lake Elmo Bank. Vote 4/0.**  
26

27 It was agreed that the Administrator will let the Bank know the date of the transfer, the  
28 permit expiration date and that a new owner will need to apply for a new permit or an  
29 extension.  
30

31 **b) BCWD Permit #06-30 WATE Warehouse/Office Building—Conditional**  
32 **Approval Extension—Board Action**

33 Administrator Kill summarized the WATE Warehouse/Office permit extension request to  
34 June 30, 2008 and the associated issues. The Board had given conditional approval on  
35 February 12, 2007, though all conditions were not met and the permit was not issued. The  
36 City of Oak Park Heights has determined there will be adequate capacity with the  
37 proposed drainage changes to the Kern Center Pond. With a permit extension no buffer is  
38 required, while under the new rules a 75-foot buffer is needed. Under the old permit, the  
39 landowner is willing to commit to a 50-foot average buffer. Finally the surety account  
40 would need to be replenished with Administrator Kill's suggestion of \$1000. Legal  
41 counsel recommended the Board consider this a permit renewal with an expiration date.  
42

43 **President Leiser, seconded by Manager Johnson, moved to renew Permit #06-30**  
44 **with an expiration date of June 30, 2008 with the conditions that an average 50-foot**  
45 **buffer be included and a \$1000 surety be remitted and the developer be advised that**

1 **native plantings in the buffer are preferred and will add to the buffer functionality.**  
2 **Vote 4/0.**

3  
4 **7. Projects/Programs**

5  
6 **a) Buffer Map Presentation**

7 Ryan Fleming presented an overview of the District wide buffer map of wetland and  
8 stream buffers per Rule 4.0 including the methodology used to create the maps and map  
9 examples. Discussion included: the usefulness of the maps to provide developers, such as  
10 Fairway Villas, the heads up on natural communities and steep slopes on their sites and  
11 the possibility for cities to use them when issuing building permits. Discrepancies were  
12 identified and questions were raised: How to address the rules where natural communities  
13 no longer exist — should the Board make an exception or deal with situations on a case-  
14 by-case basis? Legal counsel noted that the District cannot change DNR maps, but the  
15 Board has discretion in applying rules especially in reducing a compliance requirement.  
16 Should the rules be extended to lake buffers even though there are no natural  
17 communities? Should the District host a symposium for city planners to inform them of  
18 the map resources, explain how to access them and how to apply the maps to District  
19 rules? Should further inventories, using existing resources, be conducted to find if any of  
20 the natural communities still exist? With the mapping, should buffers be extended where  
21 natural communities are split by roadways? By culverts? On steep slopes?  
22

23 After further discussion and input from legal counsel, it was agreed the District should  
24 include a disclaimer that the maps are examples, a site-specific analysis can be provided  
25 and development activity triggers the buffer. LGUs should be made aware of the rule and  
26 encourage developers to talk to the District as early as possible. Education and outreach  
27 will be important. EOR provided three options for making the maps available.  
28

29 **Manager Vanzwol, seconded by Manager Johnson, moved to accept EOR's Option**  
30 **B: web service delivery that provides electronic maps to authorized users via the**  
31 **Internet. Vote 4/0.**

32  
33 **Manager Vanzwol, seconded by Manger Johnson moved to fund Option B by**  
34 **reallocating Contingency Reserve funds to the Buffer Account. Vote 4/0.**

35  
36 **c) THPP Monitoring Summary Presentation**

37 EOR staff outlined the THPP wetland and basin infiltration layout, directional flows,  
38 improvements made in 2005-2006 and past and current infiltration rates and  
39 recommendations. The Managers discussed this being a capital improvement project and  
40 the need to maintain it.  
41

42 **President Leiser, seconded by Manager Vanzwol, moved to authorize EOR to**  
43 **present to the Board a scope for implementing the recommendations to address**  
44 **erosion between Basin 1 and Wetland C, repair the buffer zone through seeding at**  
45 **the east end of Wetland C—providing the buffer is within the easement— and**  
46 **monitor the THPP, plus provide a field inspection work plan for Kismet Basin and**

1 **THHP with funding allocated from the Capitol Improvement Maintenance budget.**  
2 **Vote 4/0.**  
3

4 **c) Kern Center/Bradshaw Infiltration Monitoring Results**

5 Lisa Tilman summarized three year's monitoring data and the performance of the Kern  
6 Center Pond and the Bradshaw Infiltration Basin. Data gathered indicates the Kern Pond  
7 rates measured in 2006 and 2007 are lower than the design infiltration rates. There are a  
8 number of possible reasons—soil variability, a higher groundwater table, smearing of the  
9 soils during construction or clogging of the soils from biological activity—which will  
10 require further investigation. Ms Tilman noted that the high capacity outlet will prevent  
11 flooding. The Bradshaw Basin infiltration rate has been increasing over the past two  
12 years and is functioning well. Based on the data, EOR provided five monitoring  
13 recommendations. The Managers discussed continued monitoring plus additional  
14 investigation at Kern, discontinuation of monitoring at Bradshaw and providing \$1000  
15 for weeding and planting as a good-will gesture at Kerns using the Minnesota  
16 Conservation Corps (MCC).  
17

18 **Recess at 8:03 - 8:10 PM**  
19

20 **President Leiser, seconded by Manager Vanzwol, moved to accept EOR's 2007 Best**  
21 **Management Practice Monitoring Report, proceed with the report's five**  
22 **recommendations by authorizing EOR to present a work scope for additional**  
23 **investigation and lower-cost vegetation at Kern Pond. Vote 4/0.**  
24

25 **b) BMP Projects—Board Action**

26 Administrator Kill reported that Settlers Glen Homeowners Association  
27 responded well to Angie Hong's BMP presentation and applications to the  
28 program are anticipated.

29 • **Whalen Raingarden**

30 The Whalen's BMP, on the east side of Long Lake, will address some erosion  
31 problems. They have a natural swale area and are proposing to accentuate this  
32 with rain gardens and native plantings. The total project cost is \$7124. 30.

33 **Manager Vanzwol, seconded by Manager Taillon, moved to approve**  
34 **\$3562.15 for the Whalen reconstruction BMP. Vote 4/0.**  
35

36 • **Dick-Shayegan Raingarden**

37 The Dick-Shayegan property drains to Long Lake. The proposed BMP will meet  
38 the District's volume control specifications for almost the entire site. The rain  
39 gardens will be visible to the public. The total project cost is \$10,333.30 and the  
40 owners are requesting \$5,000—the maximum cost-share amount.

41 **President Leiser, seconded by Manager Taillon, moved to approve \$5000 for**  
42 **the Dick-Shayegan BMP project and directed staff to review and approve the**  
43 **final landscaping plan. Vote 4/0.**  
44

45 • **King Raingarden**

1 The King's, on the north side of Long Lake, are requesting funding for shoreline  
2 restoration and a raingarden for a total project cost of \$2,425.40

3 **Manager Vanzwol, seconded by Manager Johnson, moved to approve the**  
4 **King BMP project for a total of \$1,212.70. Vote 4/0.**

5  
6 • **Orleans Homes Raingarden Planting**

7 Great River Greening (GRG) received funding for restorations work on the  
8 Orleans Homes. Rain gardens have been constructed. GRG is requesting \$1,500  
9 in cost-share for the planting. Administrator Kill noted that although there will be  
10 signage, the District might not be listed as a project funder.

11 **Manager Vanzwol, seconded by Manager Johnson moved to approve Great**  
12 **River Greening's request for \$1,500 for Orleans Homes raingarden planting.**  
13 **Vote 4/0.**

14  
15 • **5-Star Grant – East Shore Long Lake Restoration**

16 Administrator Kill reported that the District is a partner in a 5-Star grant  
17 application, with MCC as the applicant. She recommended restoration work on  
18 City of Stillwater parkland on the east shore of Long Lake. MMC crews proposed  
19 to do the work with WCD overseeing the project.

20  
21 **Manager Vanzwol, seconded by Manager Taillon, moved to authorize**  
22 **funding up to \$8,700 for 500 feet of Long Lake shoreline restoration to**  
23 **include herbicide treatments and planting with \$5,000 from LGU**  
24 **Demonstration funds and \$3,000 from BMP Carryover funds. Vote 4/0.**

25  
26 c) **Thermal Attenuation Study Vermillion River Watershed JPO Proposal –**  
27 **Camilla Correll, EOR**

28 Camilla Correll summarized EOR's proposal to Scott County to assess the  
29 thermal impacts of stormwater runoff on the Vermillion River. Ms. Correll asked  
30 if the District would like to cost share in the project and add a BCWD case study  
31 to the proposal. The District's cost would be \$10,000. Study results could provide  
32 a tool to substantiate the District's rules. Because there is no funding in the budget  
33 the Managers declined to participate, but might consider a thermal study next  
34 year. Ms. Correll recommended inviting Paul Nelson (Scott County) to present  
35 the results of the Vermillion River Study.

36  
37 d) **City of Grant MS4/SWPPP Review**  
38 **President Leiser, seconded by Manager Johnson, moved to direct Interim**  
39 **Administrator Riggs to review the MS4/SWPPP and provide comments for**  
40 **the Board's review. Vote 4/0.**

41  
42 **8. New Business**

43 a) **Historic Stonebridge Restoration**

44 President Leiser reported that the Historic Stonebridge is in disrepair and will, at  
45 some point, collapse into the stream. A City of Stillwater based organization is  
46 exploring restoration. Property owner and former District board member Barb

1 Medinger is interested in restoration, but sees bank stabilization as the first  
2 priority. Further discussion included: 1. Exploring funding through the District's  
3 BMP program. Administrator Riggs identified bank stabilization as an eligible  
4 cost, as well as structural work on a bridge up to the flood elevation and removal  
5 of invasives. He noted that under the BMP program, Rusty Schmidt could provide  
6 design work and work with the masons. 2. Removing invasives. Ms Medinger is  
7 on the DNR program list for buckthorn removal. 3. Participating on the steering  
8 committee. The Managers agreed it is important for the District to be represented  
9 on this committee. 4. Additional funding— Stillwater Township has set aside  
10 \$5000 for the bridge restoration and private funds have also been pledged. Both  
11 could serve as a BMP match. The County did not fund the project through Legacy  
12 because it is entirely on private property. 5. Restoring the stream to meandering.  
13 6. Gaining an easement and an agreement for maintenance. President Leiser  
14 requested a paragraph from legal counsel on moving forward with the project and  
15 remaining within the District's statutes. He also requested a paragraph from  
16 Administrator Riggs on how the project fits within the District's BMP guidelines.  
17

- 18 b) **Conservationist of the Year Award**  
19 **With President Leiser's recommendation, Manager Johnson, seconded by**  
20 **Manager Vanzwol, moved to recognize Andy Weaver as the 2008**  
21 **Conservationist of the Year and present to him a framed picture at the May**  
22 **meeting, with funding from the education line item. Vote 4/0.**  
23

24 c) **FEMA Maps**

25 Legal counsel reported that FEMA conducts periodic reviews to update floodplain  
26 insurance maps. FEMA has completed a technical review and will be publishing  
27 updates to the maps, followed by a 90-day review period. Washington County  
28 watershed districts provided data for the review. Other than technical input,  
29 BCWD has no formal role or responsibility and the FEMA action has no effect on  
30 BCWD rules. Cities may be required to revise ordinances. Managers questioned  
31 whether property owners need flood insurance if structures are above the  
32 floodplain, but a portion of the property is not and discussed whether BCWD  
33 should be involved in providing information to homeowners. Manager Leiser  
34 suggested that primary role in advising homeowners falls to cities, but  
35 volunteered to contact John Baer at Washington County for input.  
36

37 **9. Discussion Agenda—No Action Required**

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

39  
40 b) **Project Review and Updates**

41 • **Groundwater Dep. Natural Resources Management Plan Update**

42 Administrator Kill reported that she is moving forward with the Mike Reagan Fen  
43 groundwater dep. resource study.

44 • **BCWD Rules Training on March 11<sup>th</sup> – Update**

1 At least one representative from each of the seven communities attended. The  
2 City of Lake Elmo is convening a meeting with builders on April 16 to talk about  
3 erosion control. Paula Guetter will attend.

4 • **Benz Lake Management Plan Update**

5 Manager Vanzwol reported that he and Pat Conrad met with about six property  
6 owners from the Homeowners Association. There was interest in improving water  
7 quality and owners volunteered access for water monitoring. Managers suggested  
8 a fall workshop focusing on the BMP program.

9 • **Brown's Creek Biota TMDL Update**

10 The next TAC meeting is set for April 28. Administrator Kill/Riggs are working  
11 to schedule monthly CAC meetings. Part of each meeting will be devoted to  
12 updates on BC TMDL and land conservation priority development.

13  
14 • **Other –Arcola Mills**

15 President Leiser referred Arcola Mills to Jim Shaver (CMSCWD) and EOR for  
16 assistance with improvement projects.

17  
18 c) **May 2007 BCWD Board Agenda**

- 19 • **Conservationist of the Year**  
20 • **FEMA Maps Status**  
21 • **Historic Stonebridge Restoration—Legal Update**

22  
23 **10. Adjournment**

24 **Manager Johnson, seconded by Manager Vanzwol, moved to adjourn at 9:40 PM. Vote**  
25 **4/0.**

26  
27  
28 Respectfully submitted by  
29 Debbie Meister, Recorder