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2 **Minutes of the Regular Meeting of the Brown's Creek Watershed District Board of**
3 **Managers, July 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	Jay Riggs, Administrator
Rick Vanzwol, Vice-President	Karen Kill, Administrator
Connie Taillon, Treasurer	Debbie Meister, Recorder
Gerald Johnson, Secretary	Paula Guetter, Permit Inspector/EOR
Gail Pundsack	Ryan Fleming, EOR
	Louis Smith, Smith Partners
	Jim DeBenedet, Aamodt's Apple Farm
	Darlene Rossow, Stillwater Resident
	Kevin Biehn, EOR

- 9
10 **1. Call Regular Meeting to order @ 6:32 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 Manager Vanzwol proposed adding item 6c. Update on Permit #06-30 and waiting until
15 Kevin Biehn arrives before discussing 8d. Stonebridge Restoration.
16
17 **Manager Vanzwol, seconded by Manager Johnson, moved to approve the meeting**
18 **agenda and discussion agenda as amended. Vote: 5/0.**
19
20 **3. Public Comments**
21 President Leiser circulated articles he found in Australia highlighting water issues.
22 Resident Darlene Rossow stated that the public notices from the District about the
23 Aamodt's Apple Farm permit were flying around the neighborhood and, thus, were not
24 effective. She agreed to hold her comments about the permit until later in the agenda. The
25 managers discussed more effective ways to notify residents including taping notices to
26 doors or manually getting homeowners' addresses and mailing directly to them. Manager
27 Vanzwol circulated photos of a moth, which the DNR is trying to identify, an indigo
28 bunting and a scarlet tanager found in the District along the Gateway Trail as evidence of
29 the biodiversity within areas of the BCWD.

1 **4. Approve Minutes – Board Action**

2 a) **June 9, 2008 Regular Board Meeting**

3 **Manager Johnson, seconded by Manager Vanzwol, moved to approve the minutes of**
4 **the June 9, 2008 regular Board meeting as amended. Vote: 5/0.**

5
6 **5. Treasurer’s Report**

7 a) **Review Authorized Funds Spreadsheet**

8 Manager Pundsack reported that she and the Administrator will have account issues
9 resolved before the budget workshop.

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

12 It was agreed that the \$5,000 BMP cost share payment to Judy Anderson would
13 be considered under item 7a.

14
15 **Manager Pundsack, seconded by Manager Taillon, moved to pay accounts as**
16 **presented in the amount of \$111,179.13. Roll call vote: 5/0.**

17
18 President Leiser requested an estimate of projects over or expected to be over
19 budget before the next meeting so adjusts can be made to the budget.

20
21 c) **Permit Fee Statements Review**

22 President Leiser reported that he and Administrator Riggs met with Mr. Bradshaw
23 to discuss a fee reduction found due to including items of interest to the BCWD,
24 but not expressly required for the permit verification. Mr. Bradshaw appreciated
25 the reduced fee and will pay that amount. Asked about the approximately
26 \$100,000 in outstanding permit reimbursements, Administrator Riggs reported
27 that once the final inspection is completed and the bill from EOR has been
28 received, permit accounts are promptly closed out. Only final inspections
29 identifying unresolved issues are brought to the Board. Administrator Riggs noted
30 that Mr. Clark of Fairway Villas was told a letter is pending.

31
32 **6. Permits and Rules**

33 a) **BCWD Permit #07-28 CR 15 –Maintenance Agreement—Board Action**
34 **Required**

35 **Manager Vanzwol, seconded by Manager Taillon, moved to amend BCWD**
36 **Permit #07-28 CSAH 15 Improvements with the special condition that “The**
37 **stormwater facility maintenance obligation for the stormwater management**
38 **facilities under this permit is to be met by the County’s conformance to the**
39 **terms of the 5/20/2008 Programmatic Maintenance Agreement between the**
40 **County and the District. Vote: 5/0.**

41
42 b) **BCWD Permit Application #08-07 — Aamodt’s Apple Farm — Board Action**
43 **Required**

44 Ryan Fleming summarized the proposed changes to the site including the
45 driveway circulation improvement, addition of over 5000 square feet of
46 impervious surfaces—which requires a permit— and the inclusion of two rain
47 gardens to reduce water rates and volumes. Mr. DeBenedet noted that Aamodt’s is

1 trying to comply with Washington County requirements, avoid cutting down trees
2 and provide better traffic flow. Resident Rossow expressed concern about the
3 increased traffic. President Leiser responded that the traffic is a County issue and
4 the District only deals with water issues. He apologized for the notification
5 mishap and thanked her for taking time to attend the meeting. Manager Vanzwol
6 recommended adding a suggestion that a City of Grant grading permit be obtained
7 or—as suggested by legal counsel—that a letter be submitted indicating a grading
8 permit is not required. A maintenance agreement was added as an additional
9 condition.

10
11 **Manager Johnson, seconded by Manager Vanzwol moved to approve the permit**
12 **with the six recommended conditions and the additional request that Aamodt's**
13 **Apple Farm apply for a City of Grant grading permit. Vote: 5/0.**

14
15 c) **Update on Permit #06-30 WATE Office Park**

16 WATE Office Park met all conditions of its permit.

17
18 **7. Projects/Programs**

19 a) **BMP Projects — Board Action Required**

20 **Manager Vanzwol, seconded by Manager Taillon, moved to authorize payment of**
21 **\$5,000 to Judy Anderson for completion of her BMP project. Roll call vote: 5/0.**

22
23 Manager Pundsack said that she was pleased that Ms. Anderson permitted the District to
24 showcase this spectacular project. Manager Taillon updated the account balance to
25 \$517,528.39 and the accounts payable to \$116,179.13.

26
27 b) **BMP Projects**

28 **Manager Vanzwol, seconded by Manager Taillon, moved to approve the Brown-**
29 **Drommerhausen cost-share agreement for \$550. Vote: 5/0.**

30
31 President Leister requested a summary status of approved and pending projects for the
32 next meeting to help with budgeting.

33
34 **8. Old Business**

35 a). **Bradshaw Property Review**

36 See item #5c.

37
38 b) **Kern Center Pond Investigation**

39 Funding has been approved.

40
41 c) **Herberger's Pond Modifications**

42 Administrator Riggs reported that he, Pat Conrad (EOR) and Torry Kraftson
43 (Stillwater) met on site. At the meeting, Mr. Kraftson stated that the City agrees to
44 include the stabilization around the inlet to the pond in its standard maintenance work and
45 will look at options for the maintenance truck pad. President Leiser requested these
46 agreements be put in a letter from the City. Administrator Riggs also reported that staff
47 has met with the manager of the Herberger's store to discuss cleanup work. EOR is

1 coordinating the final clean-up work with the contractor. Herberger's coordinated with
2 the City and that some vegetation at the north end of the pond was removed.

3
4 **9. New Business**

5 **a) 2009-2012 EMWREP Agreement — Board Action Required**

6 Administrator Riggs presented the revised Agreement noting that the budget reflects a
7 5% increase in expenses and a 3.5% increase in partner contributions. Comfort Lake-
8 Forest Lake WD is likely to participate and Rice Creek WD is likely to participate at the
9 in-kind level. Legal counsel recommended that the contract extensions be put in writing.

10 **Manager Vanzwol, seconded by Manager Johnson, moved to authorize the contract**
11 **agreement with the extensions in writing. Vote: 5/0.**

12
13 President Leiser will sign the amended contract once it is received.

14
15 **b) Beaver Dam Removal — Board Action Required**

16 **President Leiser, seconded by Manager Vanzwol, moved to approve the conveyance**
17 **enhancement project not to exceed \$500 from the contingency funds. Vote: 5/0.**

18
19 **c) Watershed Boundary Update — Board Action Required**

20 Administrator Riggs reported that he, representatives from the adjacent watershed
21 districts and Ryan Fleming met to update the District boundaries to make them
22 describable. Four changes were proposed. For the Millbrook Boundary, managers agreed
23 to accept the blue-green line until all lots have been platted and accept the other
24 boundaries as mapped.

25
26 **President Leiser, seconded by Manager Vanzwol, moved to approve the revised**
27 **boundaries as presented and move forward with submittal to the County. Vote: 5/0.**

28
29 **d) Contracting Law Changes**

30 Legal counsel presented a memo outlining Minnesota statute changes to price thresholds
31 for contracts. Administrator Riggs praised the memo and asked for and received
32 permission to share it with other watershed districts and the Consortium.

33
34 **e) Stonebridge Restoration**

35 Kevin Biehn reported that there has been a delay in the project due to a misunderstanding
36 with Barb Medinger. Originally the project was proposed as a BMP, so Ms. Medinger
37 was under the impression that she would contract for the stabilization work. The
38 managers agreed that if public money is involved with the project, the District is
39 ultimately responsible and should have ultimate authority for contracting. Based on
40 Administrator Riggs' recommendation, it was agreed to propose seeking two cost
41 estimates from contractors who understand vane construction—one from the contractor
42 Mr. Biehn recommended and one that Ms. Medinger recommends. It was further agreed
43 that Administrator Riggs would be the point person for the project. President Leiser
44 volunteered to meet with Ms. Medinger and invite her to a Board meeting. Another delay
45 in the project might be due to the State's involvement including funding, and if so, an
46 easement requirement.

1 **Recess at 8:10- 8:19 PM**

2
3 **10. Discussion Agenda – No Action Required**

4
5 **a) Billing Review Process/Audit**

6 Discussion focused on possible situations where permittees were charged for reviews
7 reflecting tangential issues, not necessarily those associated with their project. In addition
8 to the Bradshaw project, Administrator Kill noted that the Indian Hills Golf Course and
9 the Jennings property had fees reduced because of activities not directly related to the
10 permit project. Moving forward, the Board agreed to establish a policy as a preventative
11 measure.

12
13 **b) Permit Review— Current Inspection Update**

14 Inspector Guetter reported that in June she made a lot of final inspections and closed
15 many permits. All projects get an inspection report and, now, will include special notice
16 when properties receive good inspection ratings. Ms. Guetter noted that she has been
17 unable to reach Dan Lang of the Sanctuary and will work through Lake Elmo to try to
18 obtain his new address and phone number.

19
20 **c) CAC Update - Joint Meeting July 17, 2008**

21
22 **d) BC Biota TMDL Update**

23 Administrator Riggs reported that the project is moving forward, though new water
24 monitoring equipment is not expected until August. He encouraged managers to attend
25 the September 22 TAC meeting and will post a public notice if managers plan to attend.

26
27 **e) Groundwater Dependent Natural Resources Management Plan Update**

28 Administrator Riggs reported that Jennifer Olson is scheduling a fen management
29 meeting.

30
31 **f) MSCWMO/BCWD/WCD Stormwater Audit**

32 Administrator Riggs referred to the work plan included in the board packet, which has
33 been approved by BWSR.

34
35 **g) EMWREP Update**

36 Administrator Riggs referred to Angie Hong's articles published in the local newspapers.

37
38 **h) Communications & Reports**

39 A budget workshop is scheduled for July 24th at 6:30 PM. If necessary an additional
40 workshop will be scheduled in August.

41
42 **i) August 2008 BCWD Board Agenda**

43
44 **11. Adjournment**

45 **Manager Vanzwol, seconded by Manager Johnson, moved to adjourn at 8:45 PM. Vote 5/0.**

46
47 Respectfully submitted by Debbie Meister, Recorder