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**Minutes of the Regular Meeting of the Brown's Creek Watershed District Board of Managers,
August 11, 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	Louis Smith, Smith Partners
Gail Pundsack, Manager	Mick Lynskey, Fairway Villas

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

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

2. Approve Regular Meeting Agenda and Discussion Agenda

Manager Vanzwol requested the addition of item 7b. Resolution No. 08-02. Administrator Kill requested that BMP reimbursement requests be presented before the Treasurer's Report and the report be moved to item 7d.

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

3. Public Comments

No public comments.

4. Approve Minutes – Board Action

a) July 14, 2008 Regular Board Meeting

Manager Vanzwol, seconded by Manager Taillon, moved to approve the minutes of the July 14, 2008 regular Board meeting as distributed. Vote: 5 /0.

b) July 17, 2008 Joint Board/CAC Meeting

Manager Vanzwol, seconded by Manager Taillon, moved to approve the minutes of the July 17, 2008 Joint Board/CAC meeting as distributed. Vote: 3/0/2.

1 c) **July 24, 2008 Budget Workshop**
2 **Manager Johnson, seconded by Manager Vanzwol, moved to approve the minutes of**
3 **the July 24, 2008 budget workshop as distributed. Vote: 5/0.**
4

5 **5. Treasurer's Report**

6 a) **Review Authorized Funds Spreadsheet**

7 It was noted that there are still some outstanding questions on some accounts and work to
8 clarify this is underway.
9

10 **Manager Vanzwol, seconded by Pundsack moved to table further discussion until**
11 **August 28. Vote 5/0.**
12

13 b) **Permit Fee Statements Review**

14 Administrator Kill reported that four permits—Evans Marina, Legacy on Long Lake, Kane
15 Residence and Oak Park Center—were sent to legal counsel for follow-up. Legacy filed a
16 notice of dissolution with the Secretary of State in June 2008. The other permittees have
17 been billed regularly. Settlers Glen 5th Addition (BCWD Permit No. 03-09) is an ongoing
18 issue; Lennar did not properly transfer the permit when it sold the property. Permittees 04-
19 04 and 04-16 pay regularly. Mr. Bradshaw will pay his fees by the end of the month. The
20 Managers reaffirmed their direction to staff to vigorously pursue payments.
21

22 **6. Permits/Rules**

23 a) **BCWD Permit #07-07 Fairway Villas — Permit Extension—Board Action**

24 President Leiser acknowledged receipt of the letter requesting a permit extension until the
25 end of the year. The remaining portion of this discussion was recorded. President Leiser
26 clarified that although MBM Development is now corresponding as a new entity, the permit
27 holders Lynskey and Clark and property owner Mary Ann Sandeen are the responsible
28 parties. Mr. Lynskey stated that he is asking for an extension in order to secure a new
29 builder. At the end of the year he expects to request another extension through spring.
30 President Leiser explained that the District is in the process of adopting a budget and
31 submitting it to the County for certification. If these permit fees of about \$83,000 are not
32 paid, the District will need to levy to offset the deficit for legal and engineering services.
33 After certification, the District has until December 31 to reduce the levy, but the levy cannot
34 be increased. Mr. Lynskey stated that he hoped to pay off the fees, but needs the extension
35 to do so. The Managers debated various options including: requiring other outstanding
36 conditions be met and requiring 10 percent of fees as partial payment before a three-month
37 extension is issued or requiring 10 monthly installments of 10 percent. Manager Vanzwol
38 stated that this board has established a policy of allowing no extensions if payments are
39 outstanding, which would render the variances null and void and leave the District with a
40 large deficit. It was noted that a budget meeting is scheduled for August 28 and the board's
41 last meeting of the year is December 8.
42

43 **Manager Johnson, seconded by Manager Pundsack, moved to offer a conditional**
44 **extension of permit 07-07 to Lynskey and Clark of Fairway Villas under the conditions**
45 **that 10% (\$8,284) of the outstanding balance be paid by 5:00 PM on September 8, 2008**
46 **and the remainder of the balance including the accrued late fees be paid in full by 5:00**
47 **PM on December 8, 2008 and the deposit and permit fees be brought up to the**

1 **appropriate balance at that time. If these conditions are met, then the permit is**
2 **extended until August 31, 2009 under the existing rules and conditions of the permit. If,**
3 **however, these conditions are not met, then the permit expires. Roll call vote: 5/0.**
4

5 **7. Projects/Programs**

6 **a) Herberger's Pond Modification — Board Action Required**

7 Administrator Kill stated that a couple of modifications are needed in order to maintain the
8 pond and the City of Stillwater has agreed to take over maintenance. She noted that although
9 there have been some installation and design challenges, all parties are working well
10 together. The manufacturer is installing another filter and providing direction to the City of
11 Stillwater regarding the necessary maintenance. The City is willing to install a parking pad
12 for Vactor truck access and riprap inlet, if the District will pay for materials.
13

14 **Manager Vanzwol, seconded by Manager Pundsack, moved to expend up to \$3,500**
15 **from the Long Lake line item 929-0000 for materials for the City of Stillwater to install**
16 **a truck pad and riprap inlet this fall. Vote 5/0.**
17

18 **b) Resolution No. 08-02**

19 Administrator Kill submitted for board consideration Resolution No. 08-02 to delegate
20 authority to the administrator to execute homeowner BMP Program cost-share agreements.
21 Manager Vanzwol noted that the board still approves the projects; this just prevents project
22 delays.
23

24 **Manager Vanzwol, seconded by Manager Johnson, moved to adopt Resolution No. 08-**
25 **02 to delegate authority to the administrator to execute homeowner BMP Program**
26 **cost-share agreements. Roll call vote: 5/0.**
27

28 **c) BMP Projects — Board Action Required**

29 Administrator Kill reported that Ruthie Milker declined the cost-share for a raingarden. The
30 funds will be reallocated. Administrator Kill noted that residents heard about the cost-share
31 program through Angie Hong.
32

33 **• Whalens – Approve Reimbursement –Board Action**

34 The Whalens have completed the raingardens, but plan to do the front-yard native
35 planting next spring. They have requested reimbursement for the raingardens.

36 **Manager Vanzwol, seconded by Manager Johnson, moved the reimbursement of**
37 **\$2,478.14 to the Whalens for 50% of the raingarden project cost. Vote: 5/0.**
38

39 **• Pierson – Approve Reimbursement –Board Action**

40 **Manager Vanzwol, seconded by Manager Taillon, moved the reimbursement of**
41 **\$872.75 to the Piersons for 50% of the project and the reallocation of the remaining**
42 **\$57.25 to fund 914-0000. Vote: 5/0**
43

44 **• Elisabeth Nelson — Contract Amendment —Board Action**

45 Administrator Kill reported that Ms. Nelson is doing a phenomenal job building her
46 retaining wall on the steep area of North Hill. There was a \$1,000 under-calculation of

1 the material cost for the project and recommends an increase in the cost-share amount.
2 Adequate funds remain in the Homeowner BMP Program Fund 914-0000.

3
4 **President Leiser, seconded by Manager Johnson, moved to amend the Nelson cost-**
5 **share approval for up to \$3,000. Vote 5/0**
6

7 Manager Vanzwol distributed the Carnelian-Marine St. Croix Watershed District BMP
8 brochure and suggested the District prepare a similar piece, which Angie Hong and
9 residents who completed BMP projects could distribute.

10
11 **d) Current Items Payable —Board Action**

12 **Manager Taillon, seconded by Manager Vanzwol, moved to pay accounts presented in**
13 **the amount of \$42,628.59. Roll call 5/0.**
14

15 **8. Old Business**

16 **a). Kern Center Pond Investigation —Soils Investigation Scope —Board Action**

17 **Manager Vanzwol, seconded by Manager Taillon, moved to approve up to \$5,461 for**
18 **soil investigation work by EOR to be expended from line item 924-0000 and to transfer**
19 **funds from line item 933-0000 into line item 924-0000. Vote: 5/0.**
20

21 **9. New Business**

22 **a) BCWD Rules Guidance Documents Scope —Board Action**

23 At Administrator Kill's request, EOR prepared a scope of services to develop a rule
24 guidance document. The goal is to reduce staff and engineering review time by helping
25 engineers unfamiliar with cutting edge standards and other permittees understand and meet
26 the District standards. Discussion focused on reducing costs for the applicants and the
27 District, completing the document this year with funds from McKusick or contingency or
28 budgeting for it in 2009, holding a workshop with the P8, recouping the cost of the
29 document and getting further input from the billing review audit.
30

31 **President Leiser, seconded by Manager Vanzwol, moved to table further discussion**
32 **until next month to allow time for the Administrator to draft a paragraph on why this**
33 **is a good plan and how it will reduce costs for the permittee, staff and the engineer.**
34 **Vote: 5/0.**
35

36 **b) 2009 Budget — Taxable Market Values**

37 Administrator Kill reported that the District received very preliminary numbers from the
38 County on taxable market value (TMV). The numbers will not be finalized until the end of
39 November. Using these numbers, the TMV has increased by about 10%, which increases the
40 2009 tax levy by about 5.7% and decreases the tax burden by 3.8%. Other factors affecting
41 the tax levy are the decline by about \$100,000 in District grants received and a potential
42 permit default of \$85,000. President Leiser encouraged Managers to attend the County
43 budget meeting on October 7, 2008, to respond to questions and assure the Board that this is
44 a responsible budget.
45

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

47 **a) Billing Review Process/Audit**

1 Administrator Kill reported that she is still meeting with folks and will have more
2 information at the September Board meeting.

3
4 **b) Permit Review—Current Inspection Update**

5 Administrator Kill reported that she and Inspector Guetter made visits to the Sanctuary sites.
6 While nothing is exemplary and stormwater ponds may need additional cleaning, there are
7 no immediate risks to the water bodies. Inlet protection devices at permit site 05-12 have
8 been cleaned out and sites 07-30 and 07-38 need to be stabilized. Regarding the Dan Lang
9 Homes, Inspector Guetter is working with Karl Horning of Lake Elmo to get site
10 improvements.

11
12 **c) CAC Update**

13 Steve Hobbs has been asked to submit a proposal for establishing how a \$50,000 District
14 land conservation program could operate. The next CAC meeting will be in September.

15
16 **d) Groundwater Dependent Natural Resources Management Plan Update**

17 Administrator Kill reported that information was submitted to the Technical Advisory
18 Committee, but no comments have been received. She will forward information to the TAC
19 about the fen, which would be a great candidate for land conservation.

20
21 **e) Stonebridge Restoration**

22 Administrator Kill reported that she received plans from Kevin Biehn and provided copies to
23 Barb Medinger. She and Jay Riggs plan to meet with Ms. Medinger this week.

24
25 **f) MSCWMO/BCWD/WCD Stormwater Audit**

26 There was no new information.

27
28 **g) Communications & Reports**

29 • **MAWD Resolution Process**

30 **Manager Vanzwol, seconded by Manager Johnson, moved to direct staff to draft**
31 **and submit a lake improvement project facilitation amendment. Vote: 5/0.**

32
33 • **City of Grant Comp Plan**

34 • **Met Council re: May Township Water Resources Management Plan**

35 • **Met Council re: Oak Park Heights Local Surface Water Management Plan**

36 • **Stillwater Township Com Plan**

37 • **May Township Comp Plan**

38
39 **h) September 2008 BCWD Board Agenda**

40
41 **11. Adjournment**

42 **Manager Johnson, seconded by Manager Vanzwol moved to adjourn at 8:33 PM. Vote:**
43 **5/0.**

44
45 Respectfully submitted by
46 Debbie Meister, Recorder