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2 **Minutes of the Regular Meeting of the Brown's Creek Watershed District Board of**  
3 **Managers, September 8, 2008.**

4  
5 **WCD Offices, 1380 W. Frontage Road, Hwy. 36**  
6 **Stillwater, MN**

**APPROVED**

7  
8 **ROLL CALL**

Present:	Others Present:
Craig Leiser, President	Karen Kill, Administrator
Rick Vanzwol, Vice President	Paula Guetter, Recording Secretary
Connie Taillon, Treasurer	Camilla Correll, EOR
Gerald Johnson	Chuck Holtman, Smith Partners
Gail Pundsack <i>arrived 7:17 p.m.</i>	

9  
10 **1. Call Regular Meeting to order @ 6:34 PM**

11 President Leiser called the Regular Meeting to order at 6:34 P.M.

12  
13 **2. Approve Regular Meeting Agenda and Discussion Agenda**

14 Manager Vanzwol requested "Manager Reports" be added as item 11e. Manager  
15 Johnson requested a discussion of having "Manager Reports" added as a line item to all  
16 future agendas as item 11f.

17  
18 **Manager Johnson, seconded by Manager Vanzwol, moved to approved the meeting**  
19 **agenda and discussion agenda as amended. Vote 4/0.**

20  
21 **3. Public Comment**

22 No public in attendance.

23  
24 **Manager Leiser, seconded by Manager Vanzwol moved to table public**  
25 **comment in the event that a member of the public shows up. Vote 4/0.**

26  
27 **4. Approve Minutes – Board Action**

28 a.) **August 11, 2008 Regular Board Meeting**

29 b.) **August 28, 2008 Regular Board Meeting**

30 **Manager Vanzwol, seconded by Manager Johnson, moved to approve the**  
31 **minutes of the August 11, 2008 & August 28, 2008 Regular Board Meeting**  
32 **Minutes as presented. Vote 4/0.**

1  
2 **5. Permit/Rules**

3 a.) **BCWD Permit #03-09 Settlers 5<sup>th</sup> Addition**

- 4 ○ **Jeff Magdik, Blue Print Homes – Applicant, request time to discuss fees**

5 Mr. Magdik was not present at 6:39 p.m.

- 6 ○ **Permit Transfer – Board Action**

7 Administrator Kill gave a quick update on Settlers Glen 5<sup>th</sup> Addition. Lennar  
8 (U.S. Custom Homes) sold Settlers Glen 5<sup>th</sup> Addition to Tramm. Tramm sold the  
9 property to Blue Print Homes.

10  
11 **Manager Johnson, seconded by Manager Taillon, moved to approve the**  
12 **permit transfer from Lennar (U.S. Custom Homes) to Blue Print Homes.**

13  
14 Mr. Holtman, Smith Partners, asked if the site was in compliance. Administrator  
15 Kill noted Settlers Glen 5<sup>th</sup> Addition had a stop work order but has since come  
16 into compliance. Administrator Kill noted the assistance she received from Mike  
17 Pogee with the City of Stillwater to get the project back into compliance.

18 Manager Vanzwol asked about the fees. Administrator Kill said to date there is  
19 \$1000 in an escrow deposit. Mr. Holtman noted the signature on the permit  
20 transfer is not legible.

21  
22 **Manager Vanzwol, seconded by Manager Johnson, moved to amend the**  
23 **motion to grant the permit transfer to include the condition that a notarized**  
24 **copy of the permit transfer with legible name of owner, address of company**  
25 **and person responsible for the permit be provided within 10 business days.**  
26 **Vote 4/0.**

27  
28 **Manager Vanzwol, seconded by Manager Johnson, moved to extend the**  
29 **permit until March 11, 2009, one day after the March 10, 2009 Regular**  
30 **Board Meeting. Vote 4/0.**

31  
32 b.) **BCWD Permit #07-07 Fairway Villas – Permit Extension - Update**

33 Administrator Kill noted the District had received 10% of the outstanding balance  
34 for Fairway Villas. Manager Leiser clarified the permit has been extended until  
35 the December 2008 Regular Meeting based on the receipt of 10% of the  
36 outstanding balance by the September 8, 2008 Regular Board Meeting.

37  
38 **6. Projects/Programs**

39 a.) **North Market Place Ponds – Final Payment Request – Board Action**

40 Mr. Holtman asked if the engineer had advised that the project has been completed and  
41 that all documents have been provided.

42  
43 **Manager Leiser, seconded by Manager Johnson, moved to approve the final**  
44 **payment request for the North Market Place Ponds project in the amount of**  
45 **\$1521.50 with the condition that all documents be properly executed and**  
46 **provided to the District Engineer or Administrator. Vote 4/0.**  
47

1           **b.) Herberger's Pond Modification – Final Payment Request – Board Action**  
2           **Manager Leiser, seconded by Manager Johnson, moved to approve the final**  
3           **payment request for the Herberger's Pond Modification project in the**  
4           **amount of \$683.70 with the condition that all documents be properly**  
5           **executed and provided to the District Engineer or Administrator. Vote 4/0.**  
6

7           **c.) BMP Projects**

8           ○ **Completed Projects requesting reimbursement – Board Action**

9           ▪ **King**

10           **Manager Vanzwol, seconded by Manager Taillon, moved to approve**  
11           **the reimbursement request from Charlie & Carol King at 7030 Mid**  
12           **Oaks, Stillwater for a raingarden and shoreline restoration on Long**  
13           **Lake for \$654.07. Vote 4/0.**  
14

15           ▪ **Grant-Abban**

16           **Manager Johnson, seconded by Manager Vanzwol, moved to**  
17           **approve the reimbursement request from Grant-Abban for a**  
18           **raingarden and native tree & shrub plantings plus the additional**  
19           **\$230 for the cable replacement for a total of \$2,407.50. Vote 4/0.**  
20

21           ▪ **Miller/Long Lake Shoreline**

22           Administrator Kill noted Miller/Long project is requesting \$9,991.38 but  
23           may request the remaining allocated funds, \$1,508.62, at the end of the  
24           project. On August 14, 2006 the Board approved up to \$11,500 for the  
25           restoration of Long Lake Shoreline along 8 properties.  
26

27           **Manager Vanzwol, seconded by Manager Taillon, moved to approve**  
28           **the reimbursement request from Miller/Long for the Long Lake**  
29           **Shoreline restoration for \$9,991.38. Vote 4/0.**  
30

31           ○ **Declined 2007 Projects**

32           ▪ **Manager Vanzwol, seconded by Manager Johnson, moved to**  
33           **reallocate \$1500 and \$1117.25 to fund 914-0000 for declined**  
34           **cost-share projects by Witzmann and Boegel. Vote 4/0.**  
35

36           ○ **2007 Approved Projects requesting one-year extension – Board Action**

37           ▪ **Prestagen Extension Request**

38           Administrator Kill noted Prestagen would like to do a BMP project;  
39           however, the original project was a joint project between Prestagen  
40           and Boegel. Boegel has decided not to partake in the BMP project.  
41

42           **Manager Vanzwol, seconded by Manager Johnson, moved to deny**  
43           **the extension for the Prestagen/Boegel BMP project, reallocate the**  
44           **cost-share funds to 914-000 and approve up to \$840.00 from 914-**  
45           **000 for a new project with a new number for the Prestagen**  
46           **raingarden project at 1058 Legend Blvd, Stillwater. Vote 4/0.**  
47

1           ○ **Request Approve Cost-Share Project – Board Action**

2                   ▪ **Joyce Anderson**

3                   **Manager Vanzwol, seconded by Manager Taillon, moved to**  
4                   **approve a 50% cost-share not to exceed \$1,093.00 for erosion**  
5                   **restoration and raingarden installation at 11090 Lockridge Court**  
6                   **North, Grant. Vote 4/0.**

7  
8           Administrator Kill recommended the Board look into new signs for the BMP projects.  
9           Administrator Kill thought the new signs would cost about \$30 per sign and the old sign  
10           costs about \$10 per sign. The new signs would be more ornamental. Manager Vanzwol  
11           asked if there would be a phone number on the new sign. Administrator Kill said the  
12           website is on the new signs. Administrator Kill said she would bring more information  
13           next year for further consideration.

14  
15           **d.) Long Lake Management Plan Implementation – community education**

16           Administrator Kill said the mailing in the packet was an informational piece regarding  
17           the potential internal lake management for Long Lake; it had not yet been sent out.  
18           Administrator Kill asked if the Board thought the mailing would be useful. Manager  
19           Vanzwol said he liked the mailing and thought it would be useful to mail out.  
20           Administrator Kill recommended the Board send the mailings to the 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> ring  
21           neighbors of Long Lake and that funds come from the Long Lake Fund. Manager  
22           Vanzwol recommended adding City Council members to the list of folks to be sent a  
23           mailing. Manager Leiser updated the Board on the legislative issue revolving around  
24           lake drawdowns.

25  
26           **7. New Business**

27           **a.) MAWD Resolution – Board Approval**

28                   **Manager Vanzwol, seconded by Manager Leiser, moved to approve support**  
29                   **for the MAWD Resolution for Lake Drawdowns. Vote 4/0.**

30  
31           **b.) Lake Pepin TMDL Third Annual Technical Conference Mankato Sept. 23-24**  
32                   **– Board Action**

33                   **Manager Leiser, seconded by Manager Vanzwol, moved to approve funds for**  
34                   **the registration and travel expenses for the Administrator and one Manager**  
35                   **to attend the Lake Pepin TMDL Third Annual Technical Conference. Vote**  
36                   **4/0.**

37  
38           Manager Leiser suggested Manager Johnson attend if able and, if Manager  
39           Johnson was unable to attend, Manager Leiser attend.

40  
41           **c.) Long Lake Outlet Configuration Modeling – Discussion/Board Approval**

42           Administrator Kill noted residence requested someone look at the Long Lake outlet  
43           configuration. The last major rainfall event was in October 2004. Administrator Kill  
44           said the District has not received a specific request from the City. Manager Leiser  
45           suggested the Board wait to move forward until a request from the City Administrator,  
46           City Engineer or City Council is received. Manager Vanzwol suggested a discussion

1 revolving around the Long Lake Outlet be added to the agenda for the joint meeting with  
2 the City of Stillwater.

3  
4 *Manager Gail Pundsack arrived at 7:17 p.m.*

5  
6 **8. Treasurer's Report**

7 **a.) Review Authorized Funds Spreadsheet**

8  
9 **b.) Current Items Payable – Board Action**

10 Manager Taillon reviewed the Current Items Payable. Administrator Kill noted the  
11 Current Items Payable reflects the payment to Dahn Construction and the 3 BMP  
12 reimbursements.

13  
14 **Manager Leiser, seconded by Manager Johnson, moved to pay bills as presented in**  
15 **the amount of \$60,263.29. Roll call vote 5/0.**

16  
17 **c.) Permit Fee Statements Review**

18 Administrator Kill noted \$94,813.66 owing to the Board from outstanding permit fees.  
19 Administrator Kill said \$88,560.12 of the \$94,813 is from permits that have been billed  
20 multiple times with no response. The remaining outstanding fees are from permittees that  
21 pay their bills on a monthly basis. The Board discussed sending a letter written by legal  
22 counsel to Evans Marina. Administrator Kill noted the Kane permit has been sent a letter  
23 from legal counsel but the District has received nothing from the permittee. The Board  
24 discussed other ways to retrieve fees. Mr. Holtman suggested calling the County Auditor  
25 to see if there is anything that can be done about the Kane property regarding retrieving  
26 fees. Manager Vanzwol requested a proposal from legal counsel on how much it would  
27 cost to legally pursue outstanding permit fees.

28  
29 *Manager Leiser declared the Regular Board meeting to be in recess at 7:31 p.m.*

30  
31  
32 **9. Public Hearing – Proposed 2009 Budget and Levy**

33 **Manager Leiser called the Public Hearing to order at 7:31:01 for the purpose of discussing**  
34 **Resolution 08-03.**

35 **a.) Resolution 08-03 Certified 2009 Tax Levy Resolution: All Funds – Board**  
36 **Action**

37 Manager Leiser noted the Public Hearing was not being recorded because no one from  
38 the public was present. Administrator Kill discussed the proposed 2009 budget  
39 spreadsheet. Administrator Kill noted there would be a 5.6% increase in the Levy from  
40 2008 to 2009.

41 **Manager Vanzwol, seconded by Manager Johnson, moved to close the Public Hearing at**  
42 **7:45 p.m. Vote 5/0.**

43  
44 *Manager Leiser reconvened the Regular Board meeting at 7:45:01 p.m.*

45  
46 **Manager Taillon, seconded by Manager Vanzwol, moved to adopt the 2009 Budget of**  
47 **\$1,119,396.00 and to certify the Levy of \$865, 333.00. Roll call vote 5/0.**

1  
2 *Manager Leiser declared a recess of the Regular Board meeting at 7:47 p.m.*  
3 *Manager Leiser reconvened the Regular Board meeting at 7:57 p.m.*  
4

5 **10. Consent Agenda**

- 6 a.) **Stillwater Township Comp Plan/Local Surface Water Management Plan –**  
7 **Comment Letter – Board Approval**  
8 b.) **May Township Comp Plan/Local Surface Water Management Plan –**  
9 **Comment Letter – Board Approval**  
10 c.) **Oak Park Heights Local Surface Water Management Plan – Board Approval**  
11 d.) **Grant Comp Plan/Local Surface Water Management Plan – Comment**  
12 **Letter – Board Approval**  
13 e.) **Wellhead Protection Plan for MCF-Stillwater in City of Bayport – Comment**  
14 **Letter – Board Action**  
15

16 **Manager Leiser, seconded by Manager Vanzwol, moved to approve Consent**  
17 **Agenda items a-e with the condition that all appropriate copy lists be added. Vote**  
18 **5/0.**  
19

20 **11. Discussion Agenda – No Action Required**

- 21 a.) **Permit Review – Current Inspection Update**  
22 o **BCWD Permit #05-12 Sanctuary Development, Lake Elmo – Update**  
23 Administrator Kill noted the City of Lake Elmo is working with Case Arkell,  
24 Sanctuary LLC Development to close the permit. BCWD has kept the developer  
25 responsible for any damage done on the project. Administrator Kill noted there  
26 are questions about holding the developer responsible if the City closes the  
27 permit. If the City closes the permit, they will require infiltration basins finalized  
28 at that time; however, BCWD typically does not want the infiltration basins  
29 finalized until the development is completely built. Administrator Kill said the  
30 City of Lake Elmo Council has closed the permit on the condition that all the  
31 loose ends are tied up with the permit. Manager Leiser asked Administrator Kill  
32 to come up with some options for the board to ensure some one is held  
33 accountable for maintenance on active sites.  
34  
35 b.) **Purple Loosestrife Inventory & Removals – Update**  
36 Administrator Kill updated the Board about the Purple Loosestrife within the District.  
37 Administrator Kill noted the beetles have been released in the past. Jyneen Thatcher,  
38 WCD, and Administrator Kill will be checking for the beetles to make sure they are  
39 present or if another release is warranted.  
40  
41 c.) **Joint Meeting with the City of Stillwater – 4:30 p.m. on Tuesday, November**  
42 **18<sup>th</sup>**  
43 d.) **Communication & Reports**  
44 Manager Leiser noted the Metro MAWD would be meeting Tuesday, Sept. 16,  
45 2008 at the Bachman's on Lyndale  
46 e.) **October 2008 BCWD Board Agenda**  
47 f.) **Manager Reports**

1 Manager Vanzwol noted Administrator Kill, Manager Leiser and himself would be going  
2 to Nine Mile Creek to see the Anderson Lake drawdown. Manager Leiser suggested an  
3 informal tour of Bachman's after the Nine Mile Creek meeting. Next week there is a  
4 Groundwater Advisory Committee Meeting from 3:30-5:30. The CAC meets on Sept.  
5 18<sup>th</sup>. Manager Leiser requested a preliminary agenda item of a report on the Bridge  
6 Repair/Barb Medinger property and an Oak Park Heights soil status update. Manager  
7 Vanzwol requested an update on the Benz Lake status. The Board decided to add  
8 Manager Reports into Communication and Reports.  
9

10 **12. Adjournment**

11 **Manager Johnson, seconded by Manager Vanzwol, moved to adjourn the meeting at**  
12 **8:18 p.m. Vote 5/0.**

13  
14 Respectfully Submitted by  
15 Paula Guetter  
16