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3 **Minutes of the Annual & Regular Meetings of the Brown's Creek Watershed District**  
4 **Board of Managers, December 14, 2009**

5  
6 WCD Offices, 1380 W. Frontage Road, Hwy. 36  
7 Stillwater, MN 55082

**APPROVED**

8  
9 **ROLL CALL**

Managers Present:	Others Present:
Craig Leiser, President	Karen Kill, Administrator
Rick Vanzwol, Vice-President	Debbie Meister, Recorder
Connie Taillon, Treasurer	Chuck Holtman, Legal Counsel
Gerald Johnson, Secretary	Pat Conrad, EOR
Gail Pundsack, Vice-President	Camilla Correll, EOR

10  
11 **1. Call Annual Meeting to order @ 6:30 PM**

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

13  
14 **a) Approve Annual Meeting Agenda**

15 **Manager Vanzwol, seconded by Manager Pundsack, moved to approve the**  
16 **Annual Meeting agenda as presented. Motion carried, vote 5/0.**

17  
18 **b) Review of 2009 Activities and Manager Comments**

19 Administrator Kill summarized the District's 2009 activities and noted that the MPCA is  
20 reviewing the Metropolitan Council's lab procedures for copper analysis, which might  
21 affect the District's Brown's Creek TMDL Implementation Plan. President Leiser  
22 suggested several nominees for the environmental award, which will be discussed at the  
23 BMP Subcommittee meeting.

24 **Manager Vanzwol, seconded by Manager Johnson, moved approval of the 2009**  
25 **activities as amended. Motion carried, vote 5/0.**

26  
27 Administrator Kill was directed to send the activities summary to the seven District  
28 communities, BWSR, the Metropolitan Council, and Jessica Collin-Pilarski of  
29 Washington County Department of Public Health and Environment.  
30

1           **i. Homeowner BMP Summary**

2           Administrator Kill presented a power point of completed 2009 BMP projects.  
3           Manager Vanzwol recommended posting them on the District's Web site.  
4

5           **c) Election of Officers**

6           Manager Vanzwol, seconded by Manager Pundsack, moved to reelect the  
7           current slate of officers: Craig Leiser, President; Rick Vanzwol, Vice-President;  
8           Gail Pundsack, Vice-President; Gerald Johnson, Secretary and Connie Taillon,  
9           Treasurer. Motion carried, vote 5/0.  
10

11           **d) Annual Selection of Bank**

12           President Leiser, seconded by Manager Taillon, moved to continue using US  
13           Bank as the District bank of record. Motion carried, vote 5/0.  
14

15           **e) Annual Selection of Official Newspaper**

16           President Leiser, seconded by Manager Pundsack, moved to continue with the  
17           Stillwater Gazette as the District's newspaper of record until the Administrator  
18           has the opportunity to compare the benefits—cost and circulation, submission  
19           and publication frequency—with the St. Croix Valley Press and report to the  
20           Board. Motion carried, vote 5/0.  
21

22           **f) Adjourn Annual Meeting**

23           Manager Vanzwol, seconded by Manager Taillon, moved to adjourn the Annual  
24           Meeting at 7:10 p.m. Motion carried, vote 5/0.  
25

26           **2. Call Regular Meeting to Order**

27           President Leiser called the Regular Meeting to order at 7:10 p.m.  
28

29           **3. Approve Regular Meeting Agenda and Discussion Agenda**

30           Administrator Kill requested adding the Fen Management Plan presentation under 8a and  
31           the administrator annual review under 8e. President Leiser suggested adding a Citizen  
32           League report under 9b.

33           Manager Johnson , seconded by Manager Vanzwol, moved to approve the Regular  
34           Meeting agenda and discussion agenda as amended. Motion carried, vote 5/0.  
35

36           **4. Public Comments**

37           There were no public comments.  
38

39           **5. Approve Board Meeting Minutes November 9, 2009 Regular Meeting – Board**  
40           **Action**

41           Legal counsel and Manager Vanzwol requested various changes.

42           Manager Taillon, seconded by Manager Vanzwol, moved to approve the minutes of  
43           the November 9, 2009 Regular Meeting as amended. Motion carried, vote 5/0.  
44

1 **6. Treasurer's Report**

2 **a) Review Authorized Funds Spreadsheet**

3 Administrator Kill presented the fund spreadsheet and noted changes to the education  
4 and outreach and homeowner BMP accounts.

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

7 **Manager Taillon, seconded by Manager Vanzwol, moved to pay bills in the**  
8 **amount of \$37,225.38. Motion carried, roll call vote 5/0.**

9  
10 The Board discussed the financial benefits of purchasing certificates of deposit  
11 including staggering purchases, comparing rates at different banks, comparing length  
12 of investment and ensuring the certificates are FDIC insured.

13  
14 **Manager Vanzwol, seconded by Manager Taillon, moved to authorize the**  
15 **Administrator to invest up to \$500,000 in FDIC insured certificates of deposit.**  
16 **Motion carried 5/0.**

17  
18 The Managers directed Administrator Kill to consult with Manager Pundsack and  
19 legal counsel as needed.

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

22 **President Leiser, seconded by Manager Vanzwol, moved to table the permit fee**  
23 **statements review until the January meeting. Motion carried, vote 5/0.**

24  
25 **7. Projects/Programs**

26 **a) Fen Management Plan**

27 **i. Update from Landowner Meeting**

28 Administrator Kill reported that she, Camilla Correll, President Leiser and  
29 Manager Vanzwol met with Mike Regan in mid-November to present the  
30 approved and draft sections of the Fen Management Plan. Mr. Regan was  
31 interested in hearing about land conservation easements and in fixing the breach  
32 in the old trolley line. He expressed that he does not want public access or tours  
33 on his property. In order to move forward on the feasibility of repairing the breach  
34 in spring, Administrator Kill directed EOR to survey the breaches. EOR provided  
35 an estimated cost for the survey of and design to repair the breaches and for  
36 vegetation maintenance for the fen. The Managers discussed the pros and cons of  
37 protecting resources on private land and concluded that this project is in the  
38 public good and will protect a groundwater dependent natural resource.

39  
40 **ii. Trolley Line Breach Repair — Board Action**

41 **Manager Vanzwol, seconded by Manager Johnson, moved to authorize**  
42 **spending of \$3,093 to survey the two trolley car line breaches and for design**  
43 **work to fill the breaches with funds transferred from contingency reserve**  
44 **into account 942-0000. Motion carried, vote 5/0.**

45  
46 Although Mr. Regan has given the District permission to fill the breaches,  
47 Administrator Kill was directed to send a note indicating that funds were

1 authorized for the survey and design work and request permission to access his  
2 property. Legal counsel was directed to follow up with a letter seeking agreement  
3 on the project.  
4

5 **iii. Vegetation Maintenance**

6 **Manager Vanzwol, seconded by President Leiser, moved to table the**  
7 **vegetation maintenance discussion until the April 2010 board meeting.**  
8 **Motion carried, vote 5/0.**  
9

10 **b) Groundwater Monitoring Program — Board Action**

11 **Manager Vanzwol, seconded by Manager Taillon, moved to table action on the**  
12 **Groundwater Monitoring Program until the January 2010 board meeting.**  
13 **Motion carried, vote 5/0.**  
14

15 **8. New Business**

16 **a) Fen Management Plan Presentation**

17 Administrator Kill reported that EOR spent 18 hours preparing a power point  
18 presentation for the MAWD conference. She recommended compensating EOR for  
19 nine hours of the work from the Education budget.  
20

21 **Manager Vanzwol, seconded by Manager Johnson, moved to reimburse EOR**  
22 **\$900 from account 910-0000 for a portion of EOR's time spent on the Fen**  
23 **Management Plan presentation. Motion carried, vote 5/0.**  
24

25 **b) Brown's Creek TMDL Implementation Plan — Board Action**

26 Anticipating limited comments during the review period, Administrator Kill  
27 recommended beginning work on the Implementation Plan, with the goal to have both  
28 the TMDL report and plan approved at approximately the same time. This will better  
29 position the District to apply for grants.  
30

31 **President Leiser, seconded by Manager Vanzwol, moved to authorize the 2010**  
32 **expenditure of \$18,240 from account 937-0000 for phase 1 of Brown's Creek**  
33 **TMDL Implementation Plan, with tasks 2 (develop thermal unit reduction**  
34 **strategies) and 3 (develop TSS reduction strategies) to begin once the review**  
35 **process starts and with task 1 (develop copper reduction strategies) to be held**  
36 **pending resolution of the MPCA's review of the Metropolitan Council copper**  
37 **analysis procedures. Motion carried 5/0.**  
38

39 Manager Vanzwol requested a short project update each month.  
40

41 **c) 2010 Budget—Final Levy Discussion**

42 **Manager Vanzwol, seconded by Manager Johnson, moved approval of**  
43 **Resolution No. 09-11 adopting the 2010 Operating and Capital Budget totaling**  
44 **\$1,056,700 as follows: Management Plan implementation of \$911,650 and**  
45 **operations of \$145,050. Motion carried, roll call vote 5/0.**

1 The Managers and Administrator clarified that although the dredging was left in the  
2 budget, a list of alternative projects was outlined at the budget workshop and if no  
3 project is substituted, this line item is not intended as a secondary contingency fund.  
4

5 **d) Resolution 09-12 —Board Action**

6 **Manager Taillon, seconded by Manager Pundsack, moved approval of**  
7 **Resolution No. 09-12 to certify a final tax levy for the year 2010 of \$727,700.**  
8 **Motion carried roll call vote 5/0.**  
9

10 **e) Administrator Annual Review**

11 Administrator Kill reported that she will be having an official review on January 7  
12 with Jay Riggs and invited the Managers to send comments. President Leiser asked  
13 the Board to provide electronic comments to him by the 21<sup>st</sup>. He will compile  
14 responses and submit one formalized document. Administrator Kill stated that while  
15 she has not gone through a direct review with this board, she would welcome one.  
16

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

18 **a) Administrator Updates**

19 **1) Washington County Budget Workshop**

20 Administrator Kill reported that she and several managers attended the  
21 workshop and opportunities still exist to educate the County Commissioners on  
22 the roles of watershed districts. Discussion focused on inviting Commissioners  
23 to a Board meeting, raising awareness about how district resources are spent,  
24 educating Commissioners about cooperative projects being implemented and  
25 highlighting anticipated legislation.  
26

27 **2) Land Application —Meeting with Washington County**

28 Administrator Kill reported that at the meeting with County solid waste staff, she  
29 and Manager Vanzwol learned that the County has a good legal framework for its  
30 land application program and perhaps a better understanding could be afforded  
31 through the Water Consortium. County staff agreed to notify the District when a  
32 permit request is received for land application. Manager Vanzwol suggested  
33 notification signs be posted at the field entrance points when there is a land  
34 application.  
35

36 **3) Oak Glen Golf course Meeting Update**

37 Administrator Kill reported that after a brief meeting, Pete Mogren was interested  
38 in participating in a BMP project adding 20-70-foot buffers on a section of the  
39 golf course adjacent to Brown's Creek. A grant application for this project was  
40 submitted to BWSR.  
41

42 **4) Clean Water Fund Grants Proposals**

43 Administrator Kill summarized the proposals submitted for funding and noted that  
44 this is a very competitive process. Funding decisions should be announced  
45 sometime in January.  
46

47 **5) MAWD Annual Meeting - See item 9b.**

1           **6) City of Grant Grazable Acres Ordinance - See item 9b.**  
2

3           **7) 62<sup>nd</sup> Street Culvert**

4           Administrator Kill reported that the culvert has been replaced.  
5

6           **8) Permit Inspections — CR 15**

7           Administrator Kill reported that the Sanctuary has contacted the District regarding  
8           a letter sent in May 2009 by the District regarding the finalization of the project.  
9           She will discuss this with legal counsel and bring a recommendation to the Board  
10          in the near future.  
11

12          Administrator Kill reported that she spoke with the DNR Trails and the City of  
13          Grant staff about installing a fishing pier on Masterman Lake to alleviate some  
14          erosion and trespassing issues. The DNR is only interested if the pier is on public  
15          property and maintained by a public entity (such as the City of Grant). The Grant  
16          City Council was not receptive; therefore the fishing pier will not be  
17          recommended by the BCWD in the Masterman Lake Management Plan.  
18

19          **b) Communications & Manager Reports**

20           • **MAWD Conference and Citizen League Report**

21           President Leiser summarized presentations he attended and a meeting with the  
22           owner/developer of a sediment control screen at the MAWD Conference.  
23           Administrator Kill, Manager Johnson and Chuck Holton also attended the conference.  
24           Annie Levinson Falk of the Citizen's League presented its Water Governance Report,  
25           which recommends collaborative responsibility and more public understanding of  
26           water governance.  
27

28           • **City of Grant Grazable Acres Ordinance**

29           President Leiser reported that he testified at the public hearing, providing the  
30           watershed perspective.  
31

32           • **Urban Development and Brown's Creek Tour**

33           Manager Vanzwol recommended the Urban Development TV show airing on  
34           Channel 17 and provided copies of a slide show he prepared on the District Brown's  
35           Creek Tour.

36           **President Leiser, seconded by Manager Johnson, moved to post the Brown's**  
37           **Creek Tour slide show on the District Web site. Motion carried, vote 5/0.**  
38

39          **c) January 2010 BCWD Board Agenda**

40          No items were suggested for the agenda.  
41

42          **10. Adjournment**

43          **Manager Vanzwol, seconded by Manager Johnson, moved to adjourn at 9:13 PM.**  
44          **Motion carried, vote 5/0.**  
45

46          Respectfully Submitted by  
47          Debbie Meister, Recorder