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Minutes of the Regular Meeting of the Brown's Creek Watershed District Board of Managers, January 12, 2009

WCD Offices, 1380 W. Frontage Road, Hwy. 16
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	Chuck Holtman, Legal Counsel
Gail Pundsack, Vice-President	Barb Medinger, Resident
	Rusty Schmidt, WCD
	Pat Conrad, EOR

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

President Leiser called the first Regular Meeting of 2009 to order at 6:40 PM.

2. Approve Regular Meeting Agenda and Discussion Agenda

Administrator Kill requested the addition of Stormwater Audit Subcommittee as item 8e, Resolution 09-01 under item 7c and Administrator Travel and Expense Reimbursement under item 8d. Manager Vanzwol requested addition of Jackson Wildlife Refuge as item 9b.

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

3. Public Comments

No public comments.

4. Approve December 8, 2008 Annual & Regular Board Meeting Minutes – Board Action

Manager Vanzwol, seconded by Manager Johnson, moved to approve the minutes of the December 8, 2008 Annual and Regular Meeting minutes as amended. Vote 5/0.

1 **5. Permit/Rules**

2 **a) Permit #08-14 Stillwater Senior Living—Board Action**

3 Camilla Correll reported that after reviewing the permit, Lisa Tilman (EOR)
4 concluded that the permittee complied with the standards. Ms. Tilman, therefore,
5 recommended permit approval with several conditions.

6
7 **Manager Vanzwol, seconded by Manager Taillon, moved to approve Permit #08-**
8 **14 with the recommended conditions and with the understanding that condition**
9 **#7 will not apply until the permit has been issued. Vote: 5/0**

10
11 **6. Projects/Programs**

12 **a) Stonebridge – Barb Medinger**

13 Barb Medinger attended the meeting to discuss her plans for stabilization and
14 restoration of the bridge and how BCWD can assist her with accomplishing these
15 goals. She would like to preserve the bridge to National Park Service standards and is
16 working with the Preservation Alliance on a preservation easement and management
17 plan. Stillwater Township has pledged \$5,000 for the project and many others have
18 volunteered their time and expertise. Ms. Medinger expressed lack of trust with the
19 District when vegetation on her property was cut during surveying of the bridge site,
20 which was serving to keep people from the sides of the bridge. President Leiser
21 explained that the District had intended to help by redirecting the stream to prevent
22 erosion and had contracted with EOR to survey the site and draft designs for vein
23 installations. The design work is complete and District funds still remain for
24 construction. After further discussion, it was agreed that Ms. Medinger would work
25 with Administrator Kill on the project including jointly selecting a contractor for vane
26 installation.

27
28 **b) BMP Projects – 2008 Project Review Presentation by Rusty Schmidt, WCD**

29 Rusty Schmidt provided an overview of 2007-2008 rain gardens and other BMPs
30 within BCWD. Highlights are: 55 site visits were conducted and paid for by
31 Washington County; 23 projects in 2007 and one project in 2008 were installed and
32 reviewed by the subcommittee; 30 projects have come through WCD; 13 projects are
33 complete, while six will finish and 11 will start in spring 2009; 12 subwatersheds are
34 represented in the 44 projects. Publicity included EMWREP, neighbor-to-neighbor
35 communication, articles in local papers and outreach by the District administrator.
36 For each project, Mr. Schmidt estimated the pollutants removed. In 2009, Angie
37 Hong will be conducting a BMP survey to try to assess the affect of the BMP
38 programs. The Board reaffirmed 2009 BMP priorities: 75 percent of program time
39 targeting Long Lake and its subwatersheds with other targets to include Liberty and
40 Legend developments and the four impaired water bodies. Mr. Schmidt suggested a
41 driving tour of some of the completed BMP projects.

42
43 **c) Long Lake – Other Management Options --- Discussion**

44 Administrator Kill and Manager Vanzwol reported on Klayton Eckels' presentation to
45 the Water Consortium on accessing cost-effectiveness of stormwater runoff
46 management options. Questions about his calculations were discussed and John

1 Hanson of Washington County is organizing a subcommittee to compare costs of
2 actual projects. The District agreed to participate in the subcommittee.
3

4 **7. Treasurer's Report**

5 **a) Review Authorized Funds Spreadsheet**

6 **Manager Vanzwol, seconded by Manager Taillon, moved to table review of the**
7 **authorized fund spreadsheet until the February meeting. Vote: 5/0.**
8

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

10 **Manager Taillon, seconded by Manager Johnson, moved to pay bills in the**
11 **amount of \$87,030.01. Roll call vote 5/0.**
12

13 Administrator Kill reported that on Friday she purchased a seven-month CD from US
14 Bank in the amount of \$50,000 with funds from the Money Market account. She
15 noted that 1099s are in the board packets.
16

17 **c) Permit Fee Statements Review**

18 Administrator Kill reported that Permit No. 06-04 had been extended a number of
19 times and the property is now in foreclosure with Lake Elmo Bank. The bank has
20 determined the project is not feasible so the surety and deposit fees were returned. As
21 per board request, legal counsel drafted a resolution addressing uncollected permit
22 fees.
23

24 **Manager Vanzwol, seconded by Manager Pundsack, moved to adopt Resolution**
25 **No. 09-01 to collect overdue permit fees as amended. Roll call vote: 5/0.**
26

27 **8. New Business**

28 **a) Masterman Lake Management Plan Scope—Board Action**

29 **Pat Conrad outlined the scope of services proposal comparing the process and costs**
30 **to Benz Lake. Manager Vanzwol suggested that managers be involved in**
31 **stakeholder meetings and President Leiser volunteered. Administrator Kill will**
32 **notify the City of Grant of the meetings.**
33

34 **Manager Vanzwol, seconded by Manager Johnson, moved to approve scope of**
35 **services for the Masterman Lake Management Plan not to exceed \$21,100 from**
36 **fund 946-0000. Vote: 5/0.**
37

38 **b) MPCA –Tiered Aquatic Life Uses-- Update**

39 Administrator Kill and Manager Taillon reported on the MPCA meeting to begin
40 drafting a new classification system for streams based on chemical as well as
41 biological aspects and prevention and attainability. Many smaller group meetings will
42 be held. The proposed final standards are not anticipated until 2014.
43

44 **c) Long, Lily, and McKusick Lake TMDLs Work Plan--Update**

45 Administrator Kill reported that she has been talking with Shawn Sanders of
46 Stillwater on the work plans. She noted that by completing the Long Lake Plan as a
47 TMDL and getting MPCA and EPA approval, there will be more grant funding

1 opportunities available for implementation activities. She met with Pat Conrad to
2 discuss updating the plan. WCD has agreed to be the applicant. The workplan would
3 be fully funded by the MPCA and, if accepted, would not affect the current budget.
4

5 **d) Internal Controls Manual—Board Action**

6 Administrator Kill reported she added proposed policies to the internal controls that
7 were suggested by the state auditor, but not currently in the controls and submitted
8 them to the District auditor and accountant.
9

10 • **Administrative Travel and Reimbursement Policies**

11 Administrator Kill reported that she has been following the Washington County
12 travel and reimbursement policies and has added these to the internal control
13 standards.

14 **Manager Vanzwol, seconded by Manager Taillon, moved to direct the**
15 **administrator and legal counsel to develop internal controls and travel and**
16 **reimbursement policies in the form of a resolution for adoption at the**
17 **February meeting. Vote: 5/0.**
18

19 **e) Stormwater Audit Subcommittee**

20 Administrator Kill reported on efforts to develop a stormwater audit program to give
21 people ideas on reducing stormwater runoff and accessing technical services. A
22 subcommittee will be meeting on January 28 to begin planning. **President Leiser,**
23 **seconded by Manager Vanzwol, moved to appoint Manager Taillon to serve on**
24 **the subcommittee. Vote: 4/0/1.** Manager Taillon abstained. President Leiser
25 volunteered to serve as the alternate.
26

27 **9. Old Business**

28 **a.) 2009 RFQs for District Services**

29 • **Accounting—Board Action**

30 **President Leiser, seconded by Manager Vanzwol, moved to approve Dave**
31 **McCord as the District accountant at a monthly rate of \$240 for a two-year**
32 **contract. Vote: 5/0.**
33

34 • **Auditor—Board Action**

35 **President Leiser, seconded by Manager Taillon, moved to approve Tautges**
36 **Redpath's proposal for District auditor at an annual service fee not to exceed**
37 **\$8,100 per year for the next two years. Vote: 5/0.**
38

39 • **Legal—Board Action**

40 **Manager Vanzwol, seconded by Manager Pundsack, moved to approve Smith**
41 **Partners as the District's legal counsel for the next two years. Vote: 5/0.**
42

43 President Leiser commented that counselors Smith, Holtman and Welsh have a state
44 presence and are well respected around the state.
45

1 • **Engineering—Board Action**

2 **Manager Taillon, seconded by Manager Vanzwol, moved to approve Emmons &**
3 **Olivier Resources, Inc. as the District engineer for the next two years. Vote: 5/0.**
4

5 **b) Jackson Wildlife Refuge Management**

6 Manager Vanzwol suggested that the District investigate purchasing the refuge for \$1. No
7 city has expressed interest and the refuge must be sold to a local government unit.
8 Administrator Kill noted that when the DNR determined orchid preservation area is
9 overlaid with District buffer requirements there is only about a one-acre parcel remaining,
10 much of which would be affected by the shoreline buffers. Other issues she raised: to her
11 knowledge a market value has not been posted, it is less buildable than might appear by
12 looking at a map, there are no long-term restrictions, the parcel is not sizable for a county
13 park.
14

15 **President Leiser, seconded by Manager Vanzwol, moved to authorize the**
16 **administrator and legal counsel to assess what the DNR is willing to do, assess**
17 **management options, estimate developing a management plan and managing the**
18 **site and bring findings, in a reasonable timeframe, to the Board. Vote: 5/0.**
19

20 **10. Discussion Agenda—No Action Required**

21 **a) Administrator Updates**

22 Administrator Kill reported that the District received notification that a native buffer
23 grant for restoration of Long Lake was approved. The grant requires a 25 percent match,
24 which will come from the BMP fund. Trout Unlimited notified the District that funds for
25 stream restoration are available, but must be spent by June 30. Although matching funds
26 are not required, they are a plus. Administrator Kill will talk with landowners and the
27 golf course owner along Brown's Creek. Manager Vanzwol agreed to be the liaison with
28 Trout Unlimited.
29

30 a. Permit Review:

31 Administrator Kill reported that with the frozen ground there is not much activity.
32

33 **b) Upcoming Meetings**

34 • **Strategic Planning Workshop—**

35 After reviewing several proposals, Administrator Kill and President Leiser
36 recommended Ned Gordon for facilitation. Because Mr. Gordon will be
37 convening the workshop pro bono. Andy Weaver and Lee Miller will attend and
38 Bill Pelfry has been invited to participate in the Thursday, February 5 workshop.
39

40 • **Brown's Creek TMDL TAC – 9 AM-noon on Monday, January 26th**

41 • **Joint Meeting with City of Stillwater 4:30 PM on Tuesday, January 20th**
42

43 **c) Communications & Managers Reports**

44 Manager Pundsack asked if just ridding Long Lake of the rough fish would prevent
45 phosphorous from being stirred up. Pat Conrad responded that wind alone can stir up
46 fluff material and the drawdown has other benefits including possibly reducing the
47

1 amount of chemicals needed for the fish kill. President Leiser read into the record the
2 thank you note received by Debbie Meister for the holiday party.

3
4 **d.) February 2009 BCWD Board Agenda**

5
6 **11. Adjournment**

7 **Manager Johnson, seconded by Manager Taillon, moved to adjourn at 10:02 PM.**

8 **Vote 5/0.**

9
10 Respectfully Submitted by
11 Debbie Meister, Recorder

12
13