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Minutes of the Regular Meeting of the Brown's Creek Watershed District Board of Managers, February 9, 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	Lisa Tilman, EOR
Gerald Johnson, Secretary, <i>arrived at 6:58</i>	Louis Smith, Legal Counsel
Gail Pundsack, Vice-President	Pat Conrad, EOR

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

President Leiser called the Regular Meeting to order at 6:35 PM. It was noted that Manager Johnson was not yet present.

2. Approve Regular Meeting Agenda and Discussion Agenda

Administrator Kill requested that 9a. be moved up to item 3. President Leiser added item 9g. Star Tribune Editorial and items 10a. Welander Ditch Update, 10b. County Rd 15 Update and 10c. THPP Update.

Manager Vanzwol, seconded by Manager Taillon, moved to approve the meeting agenda and discussion agenda as amended. Vote: 4/0 .

3. Stormwater Facility Maintenance – Presentation

As a follow-up to Klayton Eckel's presentation to the Water Consortium and by request of the board, Lisa Tilman presented a literature review of three studies on cost comparisons of stormwater facility maintenance. The studies looked at routine maintenance such as inspection and mowing, non-routine maintenance, such as trash and debris clean outs, structural repairs and partial rehabilitation and major rehabilitation or rebuilding for different types of BMPs such as wet detention basins, infiltration basins and infiltration trenches. There were not a lot of good cost estimates for the maintenance, but rather ranges. In general, maintenance was 2 percent of construction costs, though some BMPS such as swales were over 100 percent of the costs; removing sediments more frequently reduced maintenance costs and as construction costs went up maintenance

1 costs went down except for infiltration basins. Mr. Eckel's cost comparisons included
2 examples of BMPs related to the amount of phosphorous removed and the volume of
3 water controlled. He also included wastewater treatment and water reuse as BMPs, but
4 did not include the cost for water storage in those systems.
5

6 *Manager Johnson arrived at 6:58 PM.*
7

8 In what could be gleaned from the research, Ms. Tilman recommended that BCWD:
9 closely track and enforce maintenance agreements; conduct inspections; develop a
10 maintenance fund; oversee and plan maintenance activities; and track BCWD's operation
11 and maintenance costs. Administrator Kill stated that she would follow-up on the status
12 of John Hanson's meeting to begin assessing maintenance costs of county BMPs.
13

14 **4. Public Comments**

15 There were no public comments.
16

17 **5. Approve Board Meeting Minutes – Board Action**

18 a) **January 12, 2009 Regular Board Meeting**

19 **Manager Vanzwol, seconded by Manager Johnson, moved to approve the**
20 **minutes of the January 12, 2009 Regular Meeting minutes as amended. Vote 5/0.**
21

22 b) **January 20, 2009 BCWD/Stillwater Workshop**

23 **Manager Vanzwol, seconded by Manager Taillon, moved to approve the minutes**
24 **of the January 20, 2009 BCWD/Stillwater Workshop as presented. Vote 4/0/1.**
25 **Manager Johnson abstained because he was not present at the meeting.**
26

27 **6. Treasurer's Report**

28 a) **Review Authorized Funds Spreadsheet**

29 Administrator Kill reported that she received spreadsheet numbers from Dave
30 McCord this week and numbers are current as of today. The financials will go to the
31 auditor this week.
32

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

34 **Manager Taillon, seconded by Manager Vanzwol, moved to pay bills in the**
35 **amount of \$81,989.28. Roll call vote 5/0.**
36

37 Manager Taillon reported that 2008 tax levy funds were received and will be recorded
38 as 2008 income.
39

40 c) **Permit Fee Statements Review**

41 Administrator Kill reported that there has not been much of a change from last month.
42 Manager Vanzwol noted that except for the two accounts identified for collection, the
43 accumulated outstanding permit fees are less than \$1,500 — a very good
44 development.
45

46 **7. Permit/Rules**

a) **BCWD Permit #07-10 Oak Park Center Request to Send to Collection**

1 Manager Kill reported that \$3,968.75 is outstanding. Legal counsel stated that they
2 have identified several collection agencies and will work with Administrator Kill to
3 select one. Agencies work on contingency and generally charge 30-40 percent of
4 what is collected.

5 **Manager Vanzwol, seconded by Manager Pundsack, moved to authorize the**
6 **administrator to turn over uncollected permit fees from Oak Park Center**
7 **Permit #07-10 to a collection agency. Vote: 5/0**
8

- 9 b) **BCWD Permit #04-19 Evans Marina Request to Send to Collection**
10 **Manager Vanzwol, seconded by Manager Johnson, moved to authorize the**
11 **administrator to turn over uncollected permit fees from Evans Marina Permit**
12 **#04-19 to a collection agency. Vote: 5/0.**
13

14 **8. Projects/Programs**

- 15 a) **Special Monitoring – between Long Lake Outlet & Diversion Structure – Board**
16 **Action**

17 Administrator Kill reported that the 2008 grab sample results were presented to the
18 Stillwater City Council. There was a larger increase in TP concentrations
19 downstream of Boutwell Road. She recommended adding four grab sample sites in
20 2009 to better isolate the source of TP between Boutwell Road and the diversion
21 structure. She also recommended contracting with the same lab the County is using
22 for sample analysis, which stated they would be able to give the District results in one
23 to two weeks, allowing for adjustments in sampling locations if necessary. The net
24 cost for the additional monitoring is \$1,494.
25

26 **Manager Vanzwol, seconded by Manager Pundsack moved to approve adding**
27 **four monitoring grab sites between Long Lake Outlet and Diversion Structure**
28 **for a net monitoring increase of \$1,494 from the baseline monitoring line item**
29 **(300-4710). Vote: 5/0.**
30

- 31 b) **Land Conservation**

- 32 i. **Program Development --**

- 33 • **Hobbs Revised Scope – Board Action**

34 Administrator Kill reported meeting with Steve Hobbs, Melissa Arikian (EOR)
35 and Kevin Biehn (EOR) about filling data gaps to move the Land Conservation
36 Program forward. With the needed data maps and sites of significance identified,
37 Mr. Hobbs can develop protection tiers and protection strategies for each tier. The
38 end product will be a map of proposed protection areas, protection strategies and a
39 budget for the protection. Additional funds to complete these tasks are requested
40 for a total program development cost of about \$20,000. The goal is to have the
41 plan completed by mid April for presentation to the board in May.
42

43 **Manager Vanzwol, seconded by Manager Taillon, moved to further contract**
44 **with Steve Hobbs (MCC) for \$8,250 and EOR for \$8,336 from the Land**
45 **Conservation Program fund (935-0000) to complete the Land Conservation**
46 **Program plan as presented. Vote: 5/0.**
47

1 • **EOR Scope – Board Action**

2 See above.

3
4 **ii. Jackson WMA Letter of Interest – Board Action**

5 Administrator Kill summarized a letter drafted to the Department of Natural
6 Resources (DNR) and her conversation with Trina Zieman (DNR) about BCWD's
7 interest in acquiring and actively managing Jackson WMA. Ms. Zieman stated
8 that so far there has been no written interest from a government unit, the DNR
9 needs to make up a budget shortfall and must sell off property to do so. She
10 recommended BCWD submit a letter of interest and outlined several points to
11 cover. President Leiser suggested adding that if BCWD decides to sell or transfer
12 the property, it would only sell/transfer to a government agency or public entity
13 interested in protecting the parcel and at a price at no more than what the District
14 has invested. He commended Administrator Kill for the excellent job she has
15 done. President Leister added that Stillwater High School is interested in helping
16 with the property management.

17
18 **Manager Leiser, seconded by Manager Johnson, moved to authorize**
19 **Administrator Kill to submit the draft letter as amended and work with legal**
20 **counsel to draft a proposal to the DNR to acquire/purchase the Jackson**
21 **WMA with inclusion that BCWD is willing to negotiate on the purchase price**
22 **and is willing to manage the property. Vote: 5/0.**

23
24
25 **c) Education – Request to Support Stillwater High School Envirothon Team –**
26 **Board Action**

27 **Manager Vanzwol, seconded by Manager Johnson, moved to provide \$300 to**
28 **Stillwater High School and offer \$150 to the Mahtomedi School District to**
29 **participate in the Envirothon to learn about water quality, as approved in the**
30 **Management Plan, with funds from budget line item 910-0000. Vote: 5/0.**

31
32 **d) BMP Program – Review 2009 Program Priority Areas**

33 Administrator Kill reviewed BMP Program selection criteria for 2007 and 2008 and
34 requested criteria verification for 2009 priority areas.

35 Key target areas for 2009:

- 36 ○ Long Lake (Legend's, Liberty, Croixwood, and North Market Place – due to
- 37 shortfall on projected TP reductions)
- 38 ○ Diversion Structure drainage (Settler's Glen)
- 39 ○ Brown's Creek – adjacent properties
- 40 ○ Benz Lake – adjacent properties

41 **Manager Johnson, seconded by Manager Taillon, moved to adopt the list of**
42 **priority areas for the 2009 BMP Program. Vote: 5/0.**

43
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45 **e) Long Lake - Discussion**

46 **i. Management Plan Implementation –Cooperation with Stillwater Street**
47 **Project in North Croixwood**

1 Administrator Kill reported on her meeting with Torry Kraftson to discuss
2 Stillwater's 2009 street projects. The City is interested in working with BCWD to
3 add water quality improvements. The Long Lake Management Plan identified the
4 need for a community sized rain garden and 17 additional sumps in this area. The
5 project area drains to a small stormwater facility on City property that could be
6 enhanced to get better water quality treatment. The BCWD could consider
7 contributing through the Long Lake Management Plan implementation fund.
8 **Manager Vanzwol, seconded by Manager Taillon, moved to authorize**
9 **Administrator Kill and EOR to work with Stillwater on project design and**
10 **present designs and cost estimates. Vote: 5/0.**
11

12 **ii. Long Lake Outlet Configuration Modeling**

13 Administrator Kill noted that at the January 20 joint BCWD/Stillwater City
14 Council meeting the District board indicated a preference to wait a year before
15 remodeling the outlet. Pat Conrad concurred that sufficient rain events have not
16 occurred for model calibration purposes.

17 **President Leiser, seconded by Manager Johnson, moved to delay modeling**
18 **the Long Lake outlet configuration for one-year to allow for a high water**
19 **event or events to provide sufficient data to calibrate the model. Vote: 5/0.**
20

21 **9. New Business**

22 **a) Contracts for Service – Board Action**

23 **i. Accounting – Dave McCord**

24 **Manager Vanzwol, seconded by Manager Johnson, moved to accept the two-**
25 **year contract with Dave McCord for accounting services. Vote: 5/0.**
26

27 **ii. Auditing – HLB Tautges Redpath**

28 **Manager Vanzwol, seconded by Manager Johnson, moved to accept the**
29 **contract with HLB Tautges Redpath for auditing services. Vote: 5/0.**
30

31 **iii. Legal – Smith Partners**

32 **Manager Pundsack, seconded by Manager Johnson, moved to accept the**
33 **contract with Smith Partners for legal services. Vote: 5/0.**
34

35 **iv. Engineering – EOR**

36 **Manager Taillon, seconded by Manager Vanzwol, moved to accept the**
37 **contract with EOR for engineering services. Vote: 5/0.**
38

39 **b) Policy Issues**

40 **i. Retention Schedule -- Board Action**

41 Administrator Kill clarified that permanent retention means records are retained
42 by the District forever and archived documents can go to the Historical Society
43 after the stated period of time. **Manager Vanzwol, seconded by Manager**
44 **Taillon, moved to approve the retention schedule as presented. Vote: 5/0.**
45

ii. Insurance Waiver Form – Board Action

1 **Manager Vanzwol, seconded by Manager Johnson, moved not to waive the**
2 **monetary limits on tort liability established by Minnesota Statutes 466.04.**
3 **Vote: 5/0.**
4

5 **iii. Board Compensation**

6 President Leiser, in an effort to show budgetary constraint, proposed reducing
7 board compensation for meetings shorter than the usual three-hour board meetings.
8 Current compensation is \$75 per meeting per Manager.

9 **Manager Vanzwol, seconded by Manager Pundsack, moved to set board**
10 **compensation at \$35 for any scheduled, required and posted meeting less**
11 **than 1.5 hours in duration. Vote: 5/0.**
12

13 **iv. Internal Control Manual – Resolution –Board Action**

14 Administrator Kill noted that the proposed controls were recommended by the
15 state auditor’s office. **Manager Leiser, seconded by Manager Pundsack,**
16 **moved to approve Resolution 09-02 to adopt the internal controls manual.**
17 **Roll Call Vote: 5/0.**
18

19 **v. Admin Expense Policy – Resolution –Board Action**

20 Administrator Kill noted that the draft policy is based on WCD’s and clarified
21 that the District would not pay additional hotel room charges for a spouse or child.
22 It was agreed under gratuities to strike 15 percent of expenses incurred.

23 **President Leiser, seconded by Manager Vanzwol, moved to approve**
24 **Resolution 09-03 to adopt the Travel and Expenses Reimbursement Policy as**
25 **amended. Roll call vote: 5/0.**
26

27 **vi. Checks Policy – Resolution –Board Action**

28 **President Leiser, seconded by Manager Taillon, moved to approve**
29 **Resolution 09-04 to adopt the Checking and Banking Practices as presented.**
30 **Roll call vote: 5/0.**
31

32 **c) Stillwater Comp Plan – Board Action**

33 **President Leiser, seconded by Manager Vanzwol, moved to authorize**
34 **Administrator Kill to send the letter providing comments on the comp plan to**
35 **the City of Stillwater as amended. Vote: 5/0.**
36

37 **d) FEMA Floodplain Mapping Review Request by DNR – Board Action**

38 Discussion focused on the ramifications of removing subwatersheds that are less than
39 one square mile from FEMA maps including potential consequences for property
40 owners and regulatory implications for the District.

41 **Manager Vanzwol, seconded by President Leiser, moved to table further action**
42 **until aerial maps of the 14 small drainage areas are reviewed to determine how**
43 **many structures would be affected by removal decisions. Vote: 5/0.**
44

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47 **e) Watershed Tour – Board Action**

1 Manager Vanzwol suggested a tour to look at recent and future project areas. It was
2 agreed that a tour of the Long Lake drainage area and Brown's Creek would be
3 arranged for Saturday, April 25 with invitations extended to the Stillwater City
4 Council and CAC members.
5

- 6 f) **MAWD Legislative Breakfast – March 19, 2009 -- Board Action**
7 **Manager Vanzwol, seconded by Manager Johnson, moved to authorize**
8 **attendance for Administrator Kill and all managers who are interested in**
9 **attending. Vote: 5/0.**
10

- 11 g) **Star Tribune Editorial**
12 President Leiser distributed a February 7, 2009 editorial entitled "Regulation at What
13 Price?" He stated that this perception is something the District will have to work with.
14

15 **10. Old Business**

- 16 a) **CR 15/Welander Ditch Update**

17 President Leiser requested the status of the CR15 project and the concerns expressed
18 by the Welander's. Administrator Kill is waiting for further information from
19 Washington County regarding both the verification on the Welander ditch survey and
20 the soils information in the approved infiltration areas.
21

- 22 b) **DeWolf Update**

23 President Leiser requested clarification on the Craig and Marcia Dewolf flowage
24 issues. Administrator Kill stated the project is complete with no unresolved issues.
25 The District paid Craig and Marcia DeWolf \$7,500 for a drainage agreement in
26 January 2005.
27

- 28 c) **THPP Update**

29 President Leiser requested the status on the THPP maintenance. Administrator Kill
30 reported that this project has been completed. In addition, a University of Minnesota
31 graduate student, under the direction of John Gulliver, will be doing some infiltration
32 recovery measurements. The culvert will continue to be inspected during normal
33 maintenance activities.
34

35 **11. Discussion Agenda—No Action Required**

- 36 a) **Administrator Project/Program Status**

- 37 a. **Grants**

38 Administrator Kill reported that she has identified four potential areas—two
39 public and two private—for the \$25,000 of Trout Unlimited (TU) funding.
40 The TU funds do not cover design or labor costs, for which BCWD is
41 prepared to provide a \$25,000 match with volunteers from TU or Great River
42 Greening and from LGU demonstration fund 940-0000.

43 **President Leiser, seconded by Manager Vanzwol, moved to pursue the**
44 **Trout Unlimited stream restoration grant of \$25,000 from 940-0000. Vote:**
45 **5/0.**
46
47

1 **b. Brown's Creek Biota TMDL Update**

2 Administrator Kill reported that groundwater data was released at the January
3 TAC meeting. In-stream copper concentration samples showed substantial
4 spikes, with more spikes in soft water, indicating that the source is from
5 surface runoff not groundwater. If copper were coming from the groundwater,
6 one would expect to see more constant concentrations. The source of copper is
7 still unknown and sampling has just been baseline.
8

9 **c. Stormwater Audit Update**

10 Administrator Kill reported that \$5,000 from education funds has been
11 budgeted to develop a pilot stormwater runoff audit program for up to 200
12 sites—100 sites in Brown's Creek, 20 sites along Benz Lake and the rest
13 along Long Lake with emphasis on the Croixwood neighborhoods.
14

15 **d. Web-based Inspections**

16 Manager Vanzwol outlined the benefits of the new system: there is an
17 inspection template which is filled out on-site and uploaded online in real time;
18 reports are online; although there is a one-time \$1500 set up and training
19 charge, there are no archiving fees and fees per permit would be tied to the
20 number of anticipated inspections. Administrator Kill is not sure there will be
21 a cost savings from the existing digital inspection system utilized by the
22 District, but the system will allow for joint inspections by multiple entities (i.e.
23 BCWD, LGU, the applicant, etc) and possibly better compliance rates and
24 better transparency. President Leiser asked Administrator Kill to provide a
25 cost-benefit analysis and bid.
26

27 **b) Communications & Manager Reports**

28 **e. City Council Joint Meeting Review**

29 President Leiser reported that the document package prepared by
30 Administrator Kill was well received. He received favorable comments about
31 all the points discussed and for the first time two local papers reported on a
32 joint meeting.
33

34 • **Strategic Planning Workshop Follow up**

35 President Leiser asked that the minutes be reviewed for approval next month.
36 Kerns Pond was identified as a project needing further study to identify
37 alternative volume control areas and follow up with the Oak Park Heights City
38 Council.
39

40 • **AMC Levy Authority Task Force Update/Proposed Bill**

41 President Leiser summarized the AMC meeting with ten county
42 commissioners, Steve Woods of BWSR and watershed district (WD)
43 managers to discuss a legislative proposal requiring county commissions to
44 approve WD budgets and election of WD managers. After BWSR and WD
45 presentations, support for the legislation seemed to wane.
46

47 **c) March 2009 BCWD Board Agenda**

- 1 **12. Adjournment**
2 **Manager Vanzwol, seconded by Manager Johnson, moved to adjourn at 9:30 PM.**
3 **Vote 5/0.**
4
5 Respectfully Submitted by
6 Debbie Meister, Recorder