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**Minutes of the Regular Meeting of the Brown's Creek Watershed District Board of Managers, March 9, 2009**

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	Camilla Correll, EOR
Connie Taillon, Treasurer	Chuck Holtman, Smith Partners
Gerald Johnson, Secretary	
Gail Pundsack, Vice-President	

- 1. Call Regular Meeting to order @ 6:30 PM**  
President Leiser called the Regular Meeting to order at 6:35 PM.
- 2. Approve Regular Meeting Agenda and Discussion Agenda**  
**Manager Johnson, seconded by Manager Vanzwol, moved to approve the agenda as presented. Vote: 5/0.**
- 3. Public Comments**  
There were no public comments.
- 4. Approve Board Meeting Minutes – Board Action**
  - a) February 5, 2009 Special Board Meeting  
**Manager Vanzwol, seconded by Manager Pundsack, moved to approve the minutes as presented. Vote: 4/0/1. Manager Johnson abstained as he was not in attendance at February 5th meeting.**
  - b) February 9, 2009 Regular Meeting  
**Manager Vanzwol, seconded by Manager Johnson, moved to approve the minutes as amended. Vote: 5/0.**
- 5. Treasurer's Report**
  - a) Review Authorized Funds Spreadsheet

1 b) Current Items Payable-**Board Action**

2 **Manager Taillon, seconded by Manager Vanzwol moved to pay bills in the**  
3 **amount of \$30,045.10. Roll call vote 5/0.**

4  
5 c) Permit Fee Statements Review

6 Total amount due to the District is \$7,091.00 and half of the amount due to the  
7 District is currently in collections.

8  
9 **7. Permit/Rules**

- 10 a) Sunnybrook Ponds Subdivision – Authority to VBWD for permitting – **Board Action**  
11 Administrator Kill presented a request from the Valley Branch Watershed District  
12 (VBWD) to the Board to allow VBWD to be the sole watershed permitting authority  
13 of the Sunnybrook Ponds Subdivision in Grant. Only a small portion of the site is  
14 within the BCWD hydrologic boundary. VBWD has comparable rules. Both the  
15 VBWD and the BCWD looking at conducting a permit review in the most efficient  
16 manner possible.

17  
18 Legal Counsel Holtman stated that the BCWD has legal authority to manage projects  
19 within its legal boundary. Technically speaking VBWD does not have the authority  
20 to permit that portion of the site within the BCWD. If there are permanent buffers or  
21 stormwater management facilities that will be located within the BCWD, there will  
22 need to be a Joint Powers Agreement with the VBWD to give them the authority to  
23 management the development and management issues into the future.

24  
25 **Manager Leiser, seconded by Manager Vanzwol moved to approve this**  
26 **authorization contingent upon the development of a Joint Powers Agreement**  
27 **protecting any water resources management facilities located on the**  
28 **development site. Said action to be signed by BCWD President after Joint**  
29 **Powers Agreements developed by Legal Counsel. Vote: 5/0.**

30  
31 **7. Projects/Programs**

- 32 a) Alternative BMPs/Chemical Dosing – Presentation by Pat Conrad, EOR – Tabled  
33 until next meeting

34 b) Brown's Creek Stream Restoration Projects – **Board Action**

- 35 o Brown's Creek Trail – Wetland Restoration & In-stream Structure Improvements  
36 Karen Kill explaining that this scope is being proposed for the Trout Unlimited  
37 Funds that were offered to the BCWD earlier this year. Several site visits have  
38 been conducted by Washington Conservation District staff and DNR Fisheries. It  
39 is felt that the reed canary grass root structure is not adequately protecting the  
40 stream banks from erosion. Restoring native vegetation would improve bank  
41 stability. This project would also serve as a demonstration site for a wetland  
42 restoration project. The first tasks are to be completed when the ground is frozen,  
43 but the top of the soil profile thaws during the day. No soil is removed or added;  
44 WCA approvals are not necessary. Development of a long-term management  
45 plan would be developed as part of this scope and will likely involve controlled  
46 burns every three to five years. The City of Stillwater has been contacted and has

1 approved the work on a staff level. The project will take place in the 3.5 acres of  
2 wetlands and not affect park use.

3  
4 **Manager Vanzwol, seconded by Manager Taillon moved to approve the**  
5 **scope from Critical Connections Ecological Services, Inc. as presented, not to**  
6 **exceed \$15,875 from fund 940-0000. The agreement is to be reviewed and**  
7 **approved by District Legal Counsel and the Administrator and then signed**  
8 **by President Leiser. Administrator Kill is to send a letter to the City of**  
9 **Stillwater to notify them that the BCWD is performing this project. Vote:**  
10 **5/0.**

11  
12 For the next budget meeting the BCWD Board would like to add the addition of  
13 \$1,000 per year to start generating funds for the long-term maintenance for this  
14 project.

15  
16 **8. New Business**

- 17 a) Joint meeting with CAC and National Park Service, St. Croix National Scenic  
18 Riverway Superintendent Christopher E. Stein.  
19 President Leiser suggested that a joint BCWD/VBWD/CMSWD Board and  
20 respective CACs meeting with Christopher Stein, Superintendent of the St. Croix  
21 National Scenic Riverway to learn more about better managing a wild and scenic  
22 river and what these watershed district's can do to better manage impacts to the river.  
23 There may be areas of interest to the BCWD: Island Clean-Up (on a once to twice a  
24 year basis, go out to an island and clean it up), as well as the impacts to the St. Croix  
25 River from Brown's Creek (e.g. accumulation of sediment in Wolf Marina).  
26 President Leiser will work with Administrator Kill to set up this meeting with the  
27 National Park Service.

28  
29 Administrator Kill also noted that there are a couple of St. Croix River workshops  
30 that the BCWD may want to attend, including Tuesday, March 31<sup>st</sup> at the Stillwater  
31 Library for the St. Croix River. There is also a meeting in June that involves a boat  
32 tour on the St. Croix River that the Managers may want to consider attending.

- 33  
34 b) Environmentalist of the Year  
35 The Board discussed how the BCWD environmentalist of the year should be selected  
36 for 2009. President Leiser will write an article to be submitted to the two newspapers  
37 and to post on the BCWD web-site requesting nominations be made by June 1<sup>st</sup> for  
38 Board review at the June 8<sup>th</sup> Board Meeting.
- 39  
40 c) MAWD Legislative Breakfast – March 19, 2009 – Invitation to Legislature – **Board**  
41 **Action**  
42 **Manager Leiser, second by Manager Vanzwol moved to send letters of invitation**  
43 **to our four legislators to request their attendance at the legislative breakfast**  
44 **understanding that the BCWD will cover their cost for attendance. Vote:5/0.**

- 1 d) Shallow Lake Conference – **Board Action**  
2 **Manager Vanzwol, second by Manager Johnson moved to authorize**  
3 **Administrator Kill and any other Managers to attend this conference. Vote: 5/0.**  
4

5 **9. Old Business**

- 6 a) FEMA Floodplain Mapping Review request by DNR – **Board Action**  
7 The BCWD Board considered the requests by Hugo, Grant and Stillwater for the  
8 removals of areas of cumulative drainage areas of less than 1 square mile within  
9 the BCWD from the updated FEMA floodplain mapping. All three communities  
10 are a part of the NFIP and any resident in those communities can purchase flood  
11 insurance regardless of whether their property is shown on the FEMA floodplain  
12 maps. The District has no formal role in this map adjustment, but has been asked  
13 for its input.  
14

15 **Manager Vanzwol, second by Manager Johnson moved to communicate that**  
16 **the District concurs in removal of the requested floodplain areas from the**  
17 **FEMA maps if there were NO structures in 100-year floodplain. Increased**  
18 **awareness for those landowners WITH structures in the 100-year floodplain**  
19 **is warranted and the District finds value in those floodplain areas remaining**  
20 **on the FEMA maps. Administrator Kill should contact the DNR and**  
21 **member communities to let them know about the Board’s decision. Vote: 5/0.**  
22

23 The Board made this decision cognizant of their recent past experience of  
24 providing financial assistance to cooperatively purchase a flooded structure with  
25 the city of Hugo, Washington County and federal grant monies.  
26

- 27 b) Watershed Tour on Saturday, April 25, 2009– Discussion  
28 The Board directed Administrator Kill to proceed with developing and  
29 noticing a tour itinerary that would focus on Brown’s Creek and run from 9-1  
30 on April 25<sup>th</sup>. **President Leiser, seconded by Manager Vanzwol moved to**  
31 **conduct two tours: a tour of Brown’s Creek in the spring and a Tour of**  
32 **the Long Lake subwatershed and BMP projects in the fall. Vote: 5/0.**  
33

- 34 c) Oak Park Heights LSWMP  
35 Administrator Kill explained that the District’s Local Surface Water  
36 Management Plan review has been completed for Oak Park Heights and  
37 comments were sent to the city. The City of Oak Park Heights has addressed  
38 all of the BCWD’s comments except for a clarification on the Brown’s Creek  
39 impairment.  
40

41 **Manager Vanzwol, seconded by President Leiser moved to adopt the**  
42 **resolution (09-05) approving the Oak Park Heights LSWMP with**  
43 **condition that the necessary clarification be made regarding the Brown’s**  
44 **Creek impairment and that approval be made effective upon**  
45 **administrator’s confirmation that the change has been made. Roll call**  
46 **vote: 5/0.**  
47

1  
2 d) May Twp LWMP

3 **President Leiser, seconded by Manager Vanzwol moved to deny approval**  
4 **of May Township Local Surface Water Management Plan due to three**  
5 **specific issues identified by BCWD have not been made. Motion**  
6 **amended to include that May Township can bring the approval forward**  
7 **once the changes have been made. Vote: 5/0.**  
8

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

10 a) **Administrator Project/Program Status**

11 Administrator Kill presented the written monthly status report.  
12

13 b) **Communications & Manager Reports**

- 14 ○ EPA 319 Grant regarding Climate Change – Camilla Correll  
15 Camilla Correll told the Board of Managers about the Climate Change  
16 Working Group and the EPA 319 grant secured by University of  
17 Minnesota Extension, Saint Anthony Falls Laboratory and EOR to address  
18 the impacts of future climate change predictions on streambank restoration  
19 activities.  
20

21 Manager Vanzwol updated the Board of MNDOT's plans for moving an  
22 existing highway bridge to the Gateway Trail crossing on Manning  
23 Avenue/CR 15.  
24

25 President Leiser gave a MAWD Board and legislative update.  
26

27 Manager Taillon updated the Board on TALU – a revised MPCA protocol for  
28 monitoring.  
29

30 b) **April 2009 BCWD Board Agenda**  
31

32 **11. Adjournment**

33 Manager Johnson, seconded by Manager Taillon, moved to adjourn at 9:00 p.m. Vote:  
34 5/0.  
35

36 Respectfully Submitted by  
37 Camilla Correll, EOR