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Minutes of the Regular Meeting of the Brown's Creek Watershed District Board of Managers, April 20, 2009

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

ROLL CALL

Managers Present:	Others Present:
Craig Leiser, President	Karen Kill, Administrator
Rick Vanzwol, Vice-President	Debbie Meister, Recorder
Connie Taillon, Treasurer	Pat Conrad, EOR
Gerald Johnson, Secretary arrived?	Michael Welch, Legal Counsel
Gail Pundsack, Vice-President, arrived at 7:02 p.m.	Cecilio Olivier, EOR
	Carolyn Cary, Sanctuary Resident
	Ingrid Assan-Reed, Sanctuary Resident
	Pamela Chickett, Sanctuary Resident

1. **Call Regular Meeting to order @ 6:30 PM**
President Leiser called the Regular Meeting to order at 6:32 PM.
2. **Approve Regular Meeting Agenda and Discussion Agenda**
To accommodate visitors and presenters, it was suggested that the Treasurer's Report follow items 6 and 7. **Manager Vanzwol, seconded by Manager Taillon, moved to approve the meeting agenda and discussion agenda as amended. Vote: 4/0.**
3. **Public Comments** - There were no public comments.
4. **Approve Board Meeting Minutes – Board Action**
 - a) **March 9, 2009 Regular Board Meeting**
Manager Vanzwol, seconded by Manager Johnson, moved to approve the minutes of the March 9, 2009 Regular Meeting minutes as amended. Vote: 4/0.
5. **Permit/Rules**
 - a) **BCWD Permit #05-12 Sanctuary LLC**
 - **Sanctuary HOA request for assistance with Landscape Management Plan — Board Action**

1 Administrator Kill provided background to the HOA request. Approximately 20
2 of the 60 Sanctuary homes have been built. The city of Lake Elmo, after declaring
3 the developer in default, is using the City's surety to complete the required
4 improvements. Except for tree planting, which will exceed the city's surety, the
5 other improvements are not germane to the District. The District has its surety, if
6 needed, to complete the required infiltration basins and stormwater associated
7 plantings. This BCWD permit will not be closed out until the final inspection is
8 completed. Although the developer has verbally indicated interest in having the
9 District work with the city to complete these tasks, the District surety cannot be
10 used without proper notice and must only be used to meet the permit requirements.

11
12 The Sanctuary HOA would like to improve the quality of the common areas
13 (including buffers) by removing weeds and adding native plants. Speaking for the
14 HOA, Ms. Assan-Reed expressed the association's desire to get this issue
15 resolved and create a beautiful and functional community. The home and lot
16 owners are required to join the HOA and pay dues. The \$96 monthly dues
17 currently fund the wastewater management system. The developer has left the
18 HOA without reserves and with bills. Discussion focused on cost-sharing with the
19 HOA for BMPs above and beyond the permit requirements, providing design
20 work and other technical assistance.

21
22 **Manager Vanzwol, seconded by Manager Johnson, moved to authorize legal**
23 **counsel and the administrator to draft a letter to the Sanctuary LLC and**
24 **any corollary documentation for the developer to sign releasing the surety**
25 **and authorizing the District to complete the outstanding permit**
26 **requirements. Vote: 4/0.**

27
28 *Manager Pundsack arrived at 7:02 p.m.*

29
30 **Manager Vanzwol, seconded by Manager Taillon, moved to authorize staff to**
31 **work with the Sanctuary Homeowners Association to develop an application**
32 **for the BMP cost-share program for those activities beyond the District**
33 **permit requirements. Vote: 5/0.**

34
35 **Manager Vanzwol, seconded by Manager Taillon, moved to include the**
36 **Sanctuary development in the 2009 priority areas for BMP cost-share**
37 **program because of the potential water quality improvements and**
38 **connection to Long Lake. Vote: 5/0.**

39
40 The managers suggested the HOA consider how much more the association is
41 willing to pay to get this project done quickly and recommended visiting Jackson
42 Meadows and Inspiration. The Association representatives thanked the District
43 and Administrator Kill and Rusty Schmidt (WCD) for their input.
44

1 **6. Projects/Programs**

2 **a) THPP Monitoring Report – Presentation**

3 Cecilio Olivier, EOR, presented 2008 THPP monitoring data. This is the second year
4 of monitoring since the construction of the infiltration improvements were made in
5 2005-2006. EOR concluded that the trench is doing its job and recommended
6 monitoring for another one or two years, in hopes of monitoring through a wet year.
7 EOR also recommended removing the box elder trees. EOR was given direction to
8 determine when removal would be necessary at an upcoming site visit.

9
10 **Manager Johnson, seconded by Manager Pundsack, moved to continue**
11 **monitoring, with funds from budget line item 903-0001, for one year and ask**
12 **EOB to present 2009 results at the April 2010 regular meeting. Vote: 5/0.**
13

14 **b) Alternative BMPs/Chemical Dosing – Presentation by EOR**

15 Cecilio Olivier presented the pros and cons of alum and ferric chloride treatments to
16 reduce phosphorus in lakes. EOR concluded that neither of these treatment options is
17 advised for Long Lake or Benz Lake due to their shallow nature.

18
19 **c) Benz Lake Management Plan – Final Draft —Presentation**

20 Pat Conrad reviewed the draft Benz Lake Management Plan including stakeholder
21 outreach and input. EOR will be refining the modeling, which will not affect the
22 recommendations. Mr. Conrad asked that the board review the draft and provide
23 comments for the May Board meeting. The intent is to get plan approval at the May
24 meeting.

25
26 President Leiser noted that because there is no public access, he is not receptive to the
27 idea that the District provide all the funding for improvement projects, but is
28 interested in the District conducting future monitoring, providing technical assistance
29 and cost sharing. He volunteered to draft a policy statement regarding lake
30 management implementation priorities.

31
32 **d) Baseline Monitoring Report — Draft**

33 **Manager Taillon, seconded by Manager Vanzwol, moved to table the monitoring**
34 **report until next month. Vote 5/0.**
35

36 **e) Brown’s Creek Biota TMDL Stakeholder Open House—April 27, 2009 4-7 PM**

37 Administrator Kill reported that four stressors have been identified—sediments, low
38 dissolved oxygen, temperature and copper. High sediment loading is a problem for
39 the entire stream and increases downstream. The sediment loading is coming
40 primarily from stormwater inputs, rather than in-stream erosion. Low dissolved
41 oxygen levels in the upstream portion of the stream is generally a naturally occurring
42 condition but amplified by high temperatures. High temperatures are a problem
43 throughout all but the gorge area of the stream, which receives much colder, deep
44 aquifer groundwater and has more shading available. Copper is a relatively
45 significant source and the least understood. It spikes with storm events and is coming
46 from subwatersheds. Through additional monitoring, it is hoped the source(s) of
47 copper can be identified. The intent of the April 27 public meeting is to begin

1 informing the public about the creek stressors, get public input and reactions and
2 provide some information about solutions. Board members are encouraged to attend.
3 A stakeholder meeting with government agencies and the seven BCWD communities
4 will be held prior to the open house to present the findings, begin discussion about the
5 need to change land use practices and get comments and insights. It was noted that
6 this meeting was properly noticed.
7

8 **7. Treasurer's Report**

9 **a) Review Authorized Funds Spreadsheet**

10 Administrator Kill reported that the audit is not ready for final approval, but should
11 be finalized tomorrow and available at the May Board meeting. The Masterman Lake
12 Management Plan has been added with \$1,100 from the contingency fund. Though
13 monitoring equipment for Herberger's Pond has been purchased, it is not ready to be
14 put in because the filter is still not functional. Hwy 36 site or the Benz Lake West
15 Pasture Pond might be good alternate sites for the equipment for 2009.
16

17 **a) Current Items Payable – Board Action**

18 Manager Taillon noted that the total items payable was increased by \$25.

19 **Manager Taillon, seconded by Manager Johnson, moved to pay bills in the**
20 **amount of \$105,657.54. Roll call vote 5/0.**
21

22 **c) Permit Fee Statements Review**

23 Administrator Kill reported that that she has selected a collection agency, but has not
24 met with them yet. Several overdue accounts were noted and Administrator Kill said
25 she would work on them.
26

27 **d) 2008 Audit—Board Action**

28 **Manager Vanzwol, seconded by Manager Pundsack, moved to table the 2008**
29 **audit until next month. Vote: 5/0.**
30

31 **8. New Business - No new business.**
32

33 **9. Old Business**

34 **a) Watershed Tour on Saturday, April 25, 2009 —Reminder**

35 Managers Vanzwol, Pundsack, and Taillon will attend. Manager Leiser will also
36 attend, but will leave at noon.
37

38 **b) Grant LSWMP —Board Action**

39 Administrator Kill reviewed the new copy of the Grant LSWMP and found that the
40 BCWD's original comments had not been incorporated. Representatives from Grant
41 stated that they had not received the original comments. The October 2009 BCWD
42 comment letter was resent electronically earlier in the day to the Grant planners.

43 **President Leiser, seconded by Manager Vanzwol, moved to deny the Grant**
44 **LSWMP at this time, but will be willing to reconsider the plan once the**
45 **comments have been addressed. Vote: 5/0.**
46
47

- 1 c) **Lake Elmo LSWMP —Board Action**
2 **Manager Pundsack, seconded by Manager Johnson, moved to table the Lake**
3 **Elmo LSWMP until next month. Vote: 5/0.**
4

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

6 **a) Administrator Updates**

7 • **Project/Program Status Report**

8 Administrator Kill provided a written and verbal update regarding resident concerns
9 about the internal nutrient management options on Long Lake. After receiving several
10 emails, Administrator Kill met with several lake shore residents on the east side of the
11 lake on April 14, 2009. Long Lake water quality trends (it is improving), shallow lake
12 ecology, past management planning efforts for Long Lake, external nutrient loading
13 reduction projects completed to date and how the BCWD came to authorize a study on a
14 temporary draw down were all reviewed. The residents were assured that a temporary
15 draw down has not been determined to be the optimal internal nutrient management
16 strategy and no draw down has been scheduled. Residents expressed their thoughts and
17 concerns:

- 18 ○ Lack of communication from the BCWD regarding the project. Some residents felt
19 that for a project that would be as complex and controversial as a temporary lake
20 draw down, that the BCWD should have had public input meetings BEFORE the
21 feasibility study was ordered to help guide the study.
22 ○ Serious concerns regarding the over abundance of submerged aquatic vegetation,
23 making even canoeing unpleasant at best or even impossible by late summer.
24 ○ Without internal nutrient controls, would the amount of submerged aquatic vegetation
25 ever be reduced to smaller, more diverse and less vegetation?
26 ○ Not seen many bullheads or koi in the last two years and have seen more panfish.
27 Would want to see a fisheries survey done before any rough fish removals planned.
28 ○ Interested in doing a frog check on the lake. Finally hearing frogs again in the past
29 year or two.
30 ○ Would like to see the motor restrictions enforced on the lake. Many would also be in favor of
31 a “no wake” restriction on the lake. Would like BCWD assistance in helping the City
32 Council understand the water quality connection to these changes. There may be more
33 boating traffic on the lake than the BCWD had previously assumed, which may be
34 significantly impacting water quality. See 1980’s study completed by Lee Miller and Dave
35 Fabio regarding the particle resuspension on Long Lake from boat traffic.
36 ○ Check into whether the inlets along the park property on the east side of the lake are direct
37 drainage to the lake without stormwater treatment.
38 ○ More education is needed.
39 ■ Lawn Care companies – spraying in rain...would like to see City Ordinance banning
40 lawn fertilizer/chemical applications in rain.
41 ■ Stillwater Police – motor restrictions
42 ■ Welcome Wagon Packets – each spring determine any new residents in priority direct
43 drainage areas and provide with information on how they can help/impact water
44 quality.

45
46 Administrator Kill suggested to the Board that the District might want to host
47 public meetings before feasibility studies such as this begin, suggested a public
48 meeting before the Long Lake Plan is approved and asked for direction on how to
49 bring the Long Lake Plan out to the public. President Leiser suggested asking

1 residents to serve on a Long Lake CAC and asked managers to be ready to discuss
2 next steps for action at next month's meeting. Public outreach was also discussed
3 for the Masterman Lake Plan and the stormwater audit pilot project.
4

5 **b) Communication and Manager Reports**

- 6 • President Leiser asked Administrator Kill to provide dates for a budget meeting in
7 July.
- 8 • Washington County is hosting its annual thank you for public service on April 21
9 from 4 to 6 PM.
- 10 • The City of Stillwater is analyzing its continuing participation in the Middle St.
11 Croix WMO. It was noted that to dissolve the joint powers agreement, 75 percent
12 of the members must support a dissolution motion.
- 13 • Ray Bohn (MAWD) provided current information on legislation enabling
14 drawdowns and county approval of watershed district budgets.
- 15 • Manager Pundsack noted that the Jackson Wildlife Area is not listed on the DNR
16 spring sale list. Administrator Kill stated that the DNR is planning to survey the
17 area this spring and make an appraisal.
18

19 **c) May 2009 BCWD Board Agenda**

20
21 **12. Adjournment**

22 **Manager Johnson, seconded by Manager Taillon, moved to adjourn at 9:47 PM.**

23 **Vote 5/0.**
24

25 Respectfully Submitted by
26 Debbie Meister, Recorder
27