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Minutes of the Regular Meeting of the Brown's Creek Watershed District Board of Managers, May 11, 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	Debbie Meister, Recorder
Connie Taillon, Treasurer	Pat Conrad, EOR
Gerald Johnson, Secretary	Chuck Holtman, Legal Counsel
Gail Pundsack, Vice-President, arrived at 7:00 p.m.	Cecilio Olivier, EOR
	Ryan Fleming, EOR
	Linda and Gordy Hoffmann, Long Lake Residents
	Candis Braatz, Long Lake Resident
	Dave Fabio, Long Lake Resident
	David Korte, Long Lake Resident
	Susan and Dan Whalen, Long Lake Residents
	Kay Peterson, Long Lake Resident

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 Vanzwol, seconded by Manager Johnson, moved to approve the meeting agenda and discussion agenda as presented. Vote: 4/0.
3. **Public Comments**
President Leiser welcomed and thanked Long Lake residents for attending and noted that Long Lake would be discussed later in the agenda. Attendees would have the opportunity to comment. David Korte thanked Administrator Kill and the Board for the recent District tour.

- 1 **4. Approve April 20, 2009 Regular Meeting Minutes – Board Action**
2 **Manager Vanzwol, seconded by Manager Taillon, moved to approve the minutes of**
3 **the April 20, 2009 Regular Meeting minutes as amended. Vote: 4/0.**
4

5 **5. Treasurer’s Report**

6 a) **Review Authorized Funds Spreadsheet**

7 Administrator Kill noted one change in the budget for THPP under line item 903-
8 0001. She asked EOR to present a budget for this at the June meeting. Carryover
9 numbers will be updated after the audit.

10
11 **Manager Vanzwol, seconded by Manager Johnson, moved to accept the**
12 **spreadsheet as presented. Roll call vote: 4/0.**
13

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

15 **Manager Taillon, seconded by Manager Vanzwol, moved to pay bills in the**
16 **amount of \$33,325.63. Roll call vote: 4/0.**
17

18 c) **Permit Fee Statements Review**

19 Administrator Kill noted very little change. She has sent out billings and will check
20 interest due on outstanding accounts.
21

22 d) **2008 Audit—Board Action**

23 Administrator Kill reported that the auditor sent the unapproved and uncorrected audit to
24 the county and state auditors and BWSR. Overall there were no material findings, just
25 several recommendations.
26

27 **Manager Vanzwol, seconded by Manager Taillon, moved to accept the**
28 **management response as presented for internal control schedule of findings and**
29 **responses “2008-1 Financial Statement Preparation.” Vote: 4/0.**
30

31 **Manager Vanzwol, seconded by Manager Johnson, moved that the management**
32 **response in the internal control schedule of findings and responses “2008-2**
33 **Financial Statement Adjustments” be changed to state that the District Auditor**
34 **will provide the adjusting entries to both the District Administrator and District**
35 **Accountant. The District Auditor concurs with the change. Vote: 4/0.**
36

37 *Manager Pundsack arrived at 7 p.m.*
38

39 **Manager Vanzwol, seconded by Manager Taillon, moved that in response to the**
40 **internal control schedule of findings and responses “2008-3 Approval of Budget**
41 **Changes,” the District approve all budget changes and document the dollar**
42 **amount of the changes in the meeting minutes. Vote: 5/0.**
43

44 **Manager Vanzwol, seconded by Manager Johnson, moved to direct the**
45 **administrator to have the auditor revise the audit based on corrections made this**
46 **evening and send the revised audit to the state and county auditors and BWSR**
47 **as the approved revised audit. Vote: 5/0.**

1 **6. Permitting**

2 a) **BCWD Permit #06-30 WATE Warehouse/Office Building – Request**
3 **Extensions—Board Action**

4 Administrator Kill reported that the permit was approved on July 17, 2008 and is in
5 good standing. A line of credit will renew on June 30, 2009. Mr. Zintl has requested
6 a one-year extension because of the current economic conditions. Although the 2006
7 permit was issued under the old rules, the property owner did record a 50-foot buffer
8 and meets the spirit of the new rules.

9
10 **Manager Pundsack, seconded by Manager Taillon, moved to grant the one-year**
11 **permit extension from June 30, 2009 to June 30, 2010. Vote: 5/0.**
12

13 **7. Projects/Programs**

14 a) **Long Lake, Stillwater**

15 **Manager Vanzwol, seconded by Manager Johnson, moved to amend the agenda**
16 **to have the draw down feasibility study presentation before the board response**
17 **and discussion. Vote: 5/0.**
18

19 • **Long Lake Draw Down Feasibility Study Summary – Presentation by Cecilio**
20 **Olivier and Ryan Fleming, EOR**

21 Mr. Olivier stated that the study summary is a preliminary draft. The full report is
22 almost completed and will go to board for approval in June unless significant
23 issues are raised this evening. The study attempts to answer: is a temporary draw
24 down of the lake feasible and will it be beneficial. The study does not deal with
25 environmental impacts of the draw down. The four study elements are: hydrology
26 and pumping, fisheries, plants and soil and sediment.

27
28 President Leiser provided additional background. The MN Pollution Control
29 Agency declared Long Lake an impaired lake for excess nutrients. The District is
30 working to improve the performance of all stormwater basins flowing to Long
31 Lake and reducing phosphorus runoff from lawns. Flocculation is generally not
32 feasible in shallow lakes. The state requires 75 percent of shoreline resident
33 agreement for a draw down.

34
35 In response to resident questions, Mr. Olivier stated that in addition to phosphorus
36 runoff, internal loading and resuspension of phosphorus are also problems.

37 President Leiser added that the rough fish are bottom feeders and resuspend
38 phosphorus. Motorboats also resuspend phosphorus. Ordinances requiring a no
39 wake zone or banning motorboats would have to be facilitated and enforced by
40 the city.

41
42 Ryan Fleming summarized the study goals, the draw down study components, the
43 anticipated outcomes and cost. Based on this information, a complete draw down
44 is not recommended. Partial draw down of the lake to gain access to the sediment
45 deltas at the southern end of the lake may be beneficial if sediment delta removal
46 is viewed as a priority item for Long Lake. If high levels of phosphorus are being

1 released in the deep areas such as the north end, alum treatment might be
2 recommended.

3
4 • **Summary results. Board Response to April 14, 2009 Resident**
5 **Concerns/Suggestions**

6 President Leiser expressed appreciation for the detailed information from EOR and a
7 lot of rationale for the next steps. Manager Johnson thanked EOR for the study and
8 the concise summary. Manager Pundsack stated that the results were not expected,
9 specifically that vegetation would get worse and, during the draw down, more
10 phosphorus would be added to the St. Croix. Manager Vanzwol concurred that
11 expenses do not justify a draw down. Manager Taillon noted that the study shows
12 how difficult it is to deal with nonpoint source pollution. Regarding sediment removal,
13 Mr. Olivier stated that sediment could be removed during a winter draw down of
14 about three feet in the shallow south end.

15
16 Residents raised the following issues: how much do rough fish stir up the lake bottom
17 compared to motor boats, and should this be quantified before a fish kill is undertaken,
18 would educating landowners about buffers and runoff prevention be more cost
19 effective, are there feasible methods to filter phosphorus leaving the lake. The
20 residents thanked the District for conducting the study and taking their concerns
21 seriously. Several suggested working with the Stillwater City Council.

22
23 Recess from 8:25-8:30 p.m.

24
25 • **Next Steps – Board Action**

26 **President Leiser, second by Manager Vanzwol, moved to request the city of**
27 **Stillwater implement a one-year moratorium on motorized boats on Long Lake**
28 **to allow the District to monitor water quality without boat traffic and provide**
29 **the city with a technical memo, drafted by the District engineer, outlining the**
30 **reasons for this request. Vote: 5/0.**

31
32 Administrator Kill summarized the next steps: post the EOR memo and power point
33 on the District Web site, request that Angie Hong write a press release and direct
34 EOR to summarize the questions raised by residents and prepare a scope of services
35 to investigate these issues.

36
37 **b) Long Lake/Diversion Structure Drainage to McKusick Lake – Update on 2009**
38 **Grab Sampling**

39 Data results from the first grab sample were discussed. Sampling will continue
40 monthly through October.

41
42 **c) Benz Lake Management Plan – Board Action**

43 Pat Conrad stated that the plan is consistent with what was presented last month,
44 though the modeling numbers have been updated. The key message is Benz Lake is
45 highly eutrophic. He stated that residents are eager for the plan especially the fisheries
46 management section. President Leiser suggested including a cover letter stating that
47 the District will be adopting a board policy outlining the degree to which the District

1 will participate in lake management. Manager Vanzwol highlighted five priorities: 1.
2 get the plan out to city officials, residents, etc., 2. develop a five-year monitoring
3 program including outlining the District's management responsibilities, 3. encourage
4 cost share BMPs, 4. study the west pasture areas and 5. get septic system inspection
5 records from the county.

6
7 **Manager Leiser, seconded by Manager Vanzwol, moved to accept the Benz Lake**
8 **Management Plan and authorize staff to distribute the plan to residents, the**
9 **Grant City Council and city of Grant engineer with a cover letter stating that the**
10 **Board will be adopting a policy regarding water quality monitoring, feasibility**
11 **studies and BMP cost sharing. Vote 5/0.**

12
13 d) **Brown's Creek Stream Restoration Projects – Board Action**

14 Administrator Kill reported there is a planting plan for the area with a budget of about
15 \$3,500, not including labor. Options for planting include Trout Unlimited volunteers
16 or a MN Conservation Corps crew for about \$1,000.

17
18 **Manager Vanzwol, seconded by Manager Pundsack, moved to approve the**
19 **initial spending of up to \$3,500 for planting at Brown's Creek Stream from**
20 **account 940-0000, with the funds to be reimbursed by a Trout Unlimited grant.**
21 **Vote: 5/0.**

22
23 e) **Homeowner BMP Projects – Board Action**

24 Administrator Kill reported the subcommittee's funding recommendations.

25
26 **President Leiser, seconded by Manager Vanzwol, moved approval of the Atkins**
27 **residence BMP cost share not to exceed \$1,100 from line item 914-0000. Vote:**
28 **5/0.**

29
30 **Manager Vanzwol, seconded by Manager Johnson, moved approval of the**
31 **Lowell residence BMP cost share not to exceed \$2,500 from line item 914-0000.**
32 **Vote: 5/0.**

33
34 **Manager Vanzwol, seconded by President Leiser, moved to approve purchasing**
35 **of snow fence not to exceed \$1,200 from line item 914-0000 to protect plantings**
36 **at the Lowell residence and be used on future projects. Vote: 5/0.**

37
38 **President Leiser, seconded by Manager Vanzwol, moved approval of the Korte**
39 **residence BMP cost share not to exceed \$330 from line item 914-0000. Vote: 5/0.**

40
41 President Leiser and Manager Johnson abstained from discussion and voting on the
42 Stillwater Country Club BMP request. Manager Vanzwol chaired this portion of the
43 meeting.

44
45 **Manager Pundsack, seconded by Manager Vanzwol, moved approval of the**
46 **Stillwater County Club BMP cost share not to exceed \$5,000 from line item 914-**

1 **0000 and to look into more in depth signage. Vote: 3/0/2. Managers Leiser and**
2 **Johnson abstained.**

3
4 **President Leiser, seconded by Manager Taillon, moved to approve the**
5 **Zemcuznikov residence BMP cost share not to exceed \$3,900 from line item 914-**
6 **0000. Vote: 5/0.**

7
8 **Manager Johnson, seconded by Manager Pundsack, moved to approve the**
9 **Timmerman residence BMP cost share not to exceed \$925 from line item 914-**
10 **0000. Vote: 5/0.**

11
12 **Manager Vanzwol, seconded by Manager Taillon, moved to approve the Wright**
13 **residence BMP cost share not to exceed \$1,850 from line item 914-0000. Vote:**
14 **5/0.**

15
16 **Manager Johnson, seconded by President Leiser, moved to approve the Krikava**
17 **residence BMP cost share not to exceed \$1,400 from line item 914-0000, on the**
18 **subcommittee's recommendation that this is a high value project. Vote: 5/0.**

19
20 Administrator Kill reported that these first approved projects plus the snow fence total
21 \$18,205 from the total homeowner BMP budget of \$63,000.

22
23 **President Leiser, seconded by Manager Vanzwol, moved to limit the BMP cost**
24 **share to a maximum of \$2,500 for projects yet to be presented to the BMP**
25 **Subcommittee. Vote 5/0.**

26
27 **8. New Business**

28 **a) Lake Elmo LSWMP—Board Action**

29 **Manager Vanzwol, seconded by Manager Johnson, moved to approve the letter**
30 **as amended to Lake Elmo regarding the LSWMP. Vote: 5/0.**

31
32 **b) Metro Greenways Grant—Board Action**

33 Administrator Kill highlighted the significance of the Mendel Road Wetland and the
34 potential to restore the natural hydrology.

35
36 **President Leiser, seconded by Manager Vanzwol, moved to authorize the**
37 **administrator to submit a letter of interest to Metro Greenways for the Mendel**
38 **Road Wetland restoration project. Vote: 5/0.**

39
40 Administrator Kill noted that this property could be acquired through the District's
41 Land Conservation Program. If grant funds are not received, it might be wise to
42 complete the design phase in case other funds become available. This project could
43 be used to bank wetland restoration credits.

44
45 **c) Annual Report—Board Action**

46 **President Leiser, seconded by Manager Taillon, moved acceptance of the 2008**
47 **Annual Report with the update of the CAC. Vote: 5/0.**

1
2 **d) July Budget Workshop Date – Board Action**

3 The managers agreed to hold a budget workshop on July 14 from 7:30-9 at the
4 Washington Conservation District office.
5

6 **e) Joint BCWD Board Meetings**

7 • **Schedule Date and Topics for Stillwater Council Joint Meeting**

8 Administrator Kill will e-mail several dates for a joint meeting.
9

10 • **Discuss Potential Joint Meeting with Oak Park Heights and/or other
11 Communities in BCWD**

12 Administrator Kill suggested July 14 or 28 for a meeting date. She will write a
13 letter of request to Oak Park Heights.
14

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

16 **a) Administrator Updates --Project/Program Status Report**

17 Pat Conrad provided an update on Herberger's Pond filter. Algae is the likely
18 problem. EOR is looking at a few options to alleviate this and will bring
19 recommendations to the June board meeting.
20

21 Administrator Kill reported that she received the permit application from MnDOT for
22 the Hwy 95 overlay project. The District tour was well received. There is still
23 potential Trout Unlimited funding and more information will be presented in June.
24 The stakeholder meeting for Brown's Creek TMDL was not well attended. There will
25 need to be some one-on-one communication with communities. There will be a
26 presentation in June on the four Brown's Creek stressors.
27

28 **b) Communication and Manager Reports**

29 President Leiser mentioned that the Stillwater paper featured an article on the Stone
30 Arch Bridge restoration.
31

32 • Metro MAWD Update

33 President Leiser reported that BWSR has been asked to cut its budget by 10.8
34 percent. BWSR expects to cut grants and not staff. Legislation requiring 75
35 percent of lakeshore owners to approve a lake draw down passed. Legislation
36 requiring county approval of watershed district levies stalled. There was a
37 presentation on invasive species with the message being prevention is key.
38

39 • **Water Consortium.** The MPCA would like District management plans to
40 incorporate TMDLs and will provide suggestions.
41

42 **c) June 2009 Board Agenda**

- 43 • Long Lake
44 • Brown's Creek TMDL
45 • Kern Center Retrofit
46 • Fen-Groundwater Dependent Natural Resource Management Plan Presentation
47

- 1 **10. Adjournment**
2 **Manager Vanzwol, seconded by Manager Johnson, moved to adjourn at 10:26 PM.**
3 **Vote 5/0.**
4
5 Respectfully Submitted by
6 Debbie Meister, Recorder
7