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Minutes of the Regular Meeting of the Brown's Creek Watershed District Board of Managers, July 13, 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	Jennifer Olson, EOR
Gerald Johnson, Secretary	Louis Smith, Legal Counsel
Gail Pundsack, Vice-President, arrived at 6:33 PM	Steve Hobbs, consultant
	Pat Conrad, EOR

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

President Leiser called the Regular Meeting to order at 6:32 PM.
Manager Pundsack arrived at 6:33 PM

2. Approve Regular Meeting Agenda and Discussion Agenda

President Leiser requested adding MAWD Summer Conference under item 10b.
Administrator Kill requested moving item 7a to item 4 and adding items 7c Aamodt's Apple Farm Driveway, 8e Long Lake Sediment and 8f Herberger's Pond.

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

3. Public Comments

There were no public comments.

4. Land Conservation Program Presentation by Steve Hobbs

Steve Hobbs reviewed the program process, findings and next steps. 1. Process. Three meetings with staff were held. From there, protection maps highlighting primary and secondary boundaries for maintaining viability were developed, the most important sites were identified and a methodology for scoring and ranking sites and budget were developed. Mr. Hobbs recommended rescoring sites annually and noted that the score only accounts for the ecological features, though others such as cultural or recreational features could be added

1 in the future. 2. Summary of findings outlined a total acquisition cost of \$626,000 for
2 purchase of easements and a total initial management cost of \$581,000. Land purchase was
3 not recommended. 3. Next steps identified were approaching landowners, developing the
4 funding plan including the potential to partner with Washington County and apply for state
5 Lessard Heritage funds and possibly incorporate the program into the Management Plan.
6

7 **Manager Vanzwol, seconded by Manager Johnson, moved to direct legal counsel to**
8 **provide a legal opinion on whether the District has the ability to implement the Land**
9 **Conservation Program within the existing District Watershed Management Plan.**
10 **Motion Carried. Vote: 5/0.**

11
12 The Managers agreed that after the first budget workshop, a CAC meeting should be
13 scheduled to review the budget and the Land Conservation Program. President Leiser
14 thanked Mr. Hobbs for a thoughtful and well-organized plan.
15

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

17 **a) May 21 Special Meeting**

18 It was noted that President Leiser and Managers Vanzwol and Johnson attended the
19 meeting. Manager Vanzwol suggested that where motions are made, the result should be
20 stated.
21

22 **Manager Vanzwol, seconded by Manager Johnson, moved to approve the minutes of**
23 **the May 21, 2009 Special Meeting minutes as amended. Motion carried, Vote: 3/0/2.**
24 **Managers Taillon and Pundsack abstained due to absence from the meeting.**
25

26 **b) June 8, 2009 Regular Meeting**

27 **Manager Vanzwol, seconded by Manager Taillon, moved to approve the June 8, 2009**
28 **Regular Meeting minutes as amended. Motion carried, Vote: 4/0/1. Manager**
29 **Johnson abstained due to absence from the meeting.**
30

31 **6. Treasurer's Report**

32 **a) Review Authorized Funds Spreadsheet**

33 Administrator Kill highlighted the changes made to last month's authorized spreadsheet.
34 She will meet with Rusty Schmidt (WCD) to determine more accurate BMP design costs.
35

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

37 **Manager Taillon, seconded by Manager Vanzwol, moved to pay bills in the amount**
38 **of \$102,979.65. Motion carried in a roll call. Vote: 5/0.**
39

40 Manager Taillon reported a total balance of \$724, 476.44 including the tax levy funds. It
41 was suggested that Administrator Kill purchase \$200,000 in staggered short-term CDs.
42 Manager Pundsack volunteered to offer advise and discuss the budget items to be carried
43 forward. The budget workshop was rescheduled for August 11 at 6:30 p.m.
44

45 **c) Permit Fee Statements Review**

46 Administrator Kill reported that she is still trying to schedule a meeting with Todd
47 Gurstel and permit fees are generally in good shape.

1 **7. Permitting**

2 a) **BCWD Permit #03-09 Settler's Glen 5th Edition – Permit Transfer — Board Action**

3 Administrator Kill reported that Blueprint Homes is in foreclosure. Alpine Capital now
4 owns Block 1, Lots 2 & 3, and Block 2, Lots 1-8 of Settler's Glen 5th Addition. The
5 outlots are owned by the City of Stillwater. Block 1, Lot 1 is fully built, stabilized and
6 owned by a private resident. Alpine Capital brought the outstanding erosion control
7 issues into compliance last week.

8
9 **President Leiser, seconded by Manager Vanzwol, moved to authorize the transfer of**
10 **Settler's Glen 5th Permit #03-09 to Alpine Capital LLC pending the payment of the**
11 **surety deposit of \$8,100, replenish the permit deposit fee of \$1,250 and payment of**
12 **outstanding permit fees incurred by Settler's Glen 5th Addition prior to the permit**
13 **transfer. Motion carried, Vote: 5/0.**

14
15 *Recess at 7:58 to 8:06 p.m.*

16
17 b) **BCWD Permit #07-07 Fairway Villas Update**

18 Administrator Kill reported that Fairway Villas will be either coming in for a permit
19 renewal or an extension next month. The remaining permit conditions include the surety
20 and declaration.

21
22 c) **BCWD Permit #08-07 Aamodt's Apple Farm Driveway**

23 Administrator Kill reported that due to the site drainage, the proposed rain garden would
24 not collect as much runoff as anticipated. A natural depression to the south is functioning
25 as a rain garden. She recommended recording this depression and working with
26 engineering on a better treatment site, as required under the permit.

27 **Manager Vanzwol, seconded by Manager Taillon, moved to authorize the**
28 **Administrator to facilitate changes to the original northern rain garden location.**
29 **Motion carried, Vote: 5/0.**

30
31 **8. Projects/Programs**

32 a) **Fen Management Plan Proposal Standards— Jennifer Olson, EOR**

33 Ms. Olson reviewed proposed changes to the standards. She emphasized that the intent is
34 to prevent direct discharges to the fen and prevent increases in annual phosphorus loading
35 compared to predevelopment levels. Discussion included the ability of permittees to
36 meet the standards, the legal authority of the District to enforce standards and giving
37 stakeholders the opportunity to review and respond. Next steps are: understanding the
38 rationale for all standards, getting legal input and budgeting for a possible rule
39 amendment. Revisions will be brought to the Board at the regular August meeting. A
40 meeting with Mike Regan can be scheduled after these revisions have been approved.

41
42 b) **Kern Center Retrofit Study Results**

43 Pat Conrad reported that EOR did some investigation of the pond. Currently the pond is
44 providing volume control capacity for a 1.1-inch rain event. The primary opportunity for
45 additional storage is in large roadside ditches. The Managers requested a preliminary
46 budget for the ditches before the joint meeting with Oak Park Heights City Council. It

1 was also noted that additional capacity might be available downstream between Kern
2 Center Pond and Long Lake.

3
4 **c) Homeowner BMP Projects – Board Action**

5 **Manager Vanzwol, seconded by Manager Johnson, moved to approve Lodges at**
6 **Settler’s Glen Townhome HOA cost share not to exceed \$1,750 from line item 914-**
7 **0000. Motion carried, Vote: 5/0.**

8
9 **Manager Taillon seconded by Manager Pundsack, moved to approve St. Croix**
10 **Orthopedics BMP cost share not to exceed \$2,500 from line item 914-0000. Motion**
11 **carried, Vote: 5/0.**

12
13 **Manager Vanzwol, seconded by Manager Johnson, moved that any time the District**
14 **contributes to a rain garden or BMP in a public area that signage be installed**
15 **explaining the project and acknowledging the District’s contribution. Motion**
16 **carried, Vote: 5/0.**

17
18 Managers Pundsack and Vanzwol volunteered to work with Administrator Kill on
19 proposed signage language.

20
21 **Manager Vanzwol seconded by Manager Taillon, moved to approve Meyers**
22 **residence BMP cost share not to exceed \$2,200 from line item 914-0000. Motion**
23 **carried, Vote: 5/0.**

24
25 **President Leiser, seconded by Manager Johnson, moved to approve Lorinser &**
26 **Bastes residences BMP cost share not to exceed \$750 to be split equally between the**
27 **property owners from line item 914-0000. Motion carried, Vote: 5/0.**

28
29 **Manager Vanzwol, seconded by Manager Taillon, moved to approve Aiken**
30 **residence BMP cost share not to exceed \$2,250 from line item 914-0000. Motion**
31 **carried, Vote: 5/0.**

32
33 **d) Diversion Drainage—Sample Results to Date**

34 Administrator Kill reported on the sampling results to date. The Long Lake outlet has
35 been dry, with a small flow in June; however, the wetland complex has some
36 groundwater base flow. The North Branch section is very difficult to monitor due to
37 small channel size and abundance of vegetation. Loading is high at the Diversion
38 Structure. Administrator Kill will talk with EOR about treatment options. She will share
39 the monitoring information with City of Stillwater staff.

40
41 **e) Long Lake Sediment**

42 Pat Conrad presented estimated Long Lake delta-dredging costs. He noted that the costs
43 could change significantly if the material is hazardous. Also costs could be reduced if
44 Stillwater is willing to partner on the project. Discussion focused on the ecological versus
45 recreational pros and cons of dredging, creating an area that will trap sediment to allow
46 for easy periodic dredging, the option of establishing a stormwater utility, the need to
47 meet with the lake residents and outline the problems and solutions identified, MS4

1 requirements, partnering with the City (will Stillwater provide equipment and use the
2 dredge material?).

3
4 **President Leiser, seconded by Manager Vanzwol, moved to authorize the**
5 **Administrator to work with EOR to test the delta sediment for heavy metals and**
6 **phosphorus at a cost not to exceed \$4,500 from line item 929-0000, explore fill**
7 **disposal options and prepare a memo on the pros and cons of dredging. Motion**
8 **carried, Vote: 5-0.**
9

10 Managers Vanzwol and Pundsack volunteered to help with the memo.

11
12 **f) Herberger's Pond**

13 Pat Conrad presented options for algae control, with EOR's recommendation to draw
14 down the pond and plant mature vegetation. The estimated cost is \$8,000, though this
15 could be reduced by waiting for water levels to drop, partnering with the city of Stillwater
16 to do the draw down and using volunteers to plant. Administrator Kill will do additional
17 research and report back next month.

18
19 Mr. Conrad presented Dahn Construction's bid of \$8,350 to retrofit the outlet structure
20 with a walkway for safe monitoring access. Administrator Kill stated that the general
21 intent is to monitor this site a couple of filter cycles to ensure the structure is working and
22 to identify when the filters need replacing. In all, she estimates monitoring about 20 times
23 per year for at least six years.

24
25 **Manager Vanzwol, seconded by Manager Taillon, moved to authorize installation of**
26 **the Herberger's Pond outlet structure walkway to facilitate safe monitoring of the**
27 **site not to exceed \$8,350 from line item 929-0005. Motion carried, Vote: 5/0.**
28

29 **9. New Business**

30 **a) Long Lake – Eurasian water milfoil**

31 The Department of Natural Resources has confirmed Eurasian water milfoil in the north
32 end of Long Lake. Management options are being explored.

33
34 **b) MAWD Annual Meeting Presentation Ideas**

35 The managers identified the following as possible presentation ideas: discussion of
36 elected versus appointed managers, the Long Lake draw down analysis, the cost-benefit
37 analysis of capital projects, Stillwater High School water monitoring, the fen study.
38 President Leiser will present ideas to the Program Committee.
39

40 **c) Upcoming Meetings**

- 41 • **Joint OPH Meeting — July 28th 6-7 PM**
42 • **Budget Workshops (Aug 11 at 6:30 PM and TBD) & Public Hearing (TBD)**
43 • **CAC Meetings Topics** —budget review, Lake Conservation Program, Lake
44 Management Policy. Meeting TBD.
45 • **Stillwater Meeting — Oct. 6th**
46 • **Fall Tour — Choose Dates and Locations (Sept. 26 or Oct. 3?)**

1 Recommendations for the tour included the diversion drainage from Long Lake to
2 McKusick and installed cost share BMP projects. Administrator Kill requested that
3 managers let her know tour dates that work.
4

5 **10. Old Business**

- 6 a) **Oak Park Heights LWMP Resolution —Board Action**
7 **Manager Pundsack, seconded by Manager Vanzwol, moved to approve the Oak**
8 **Park Heights LWMP Resolution 09-07. Motion carried with a roll call. Vote: 5/0.**
9

10 **11. Discussion Agenda – No Action Required**

11 a) **Administrator Updates**

12 There were no updates.
13

14 b) **Communications & Manager Reports**

- 15 • **MAWD Summer Conference**

16 President Leiser reported on the conference in Albert Lea highlighting some tours
17 and presentations. He suggested co-hosting the MAWD Summer 2010 conference
18 and volunteered to talk with the Washington County Water Consortium and MAWD.
19

20 c) **August 2009 BCWD Board Agenda**
21

22 **12. Adjournment**

23 **Manager Pundsack, seconded by Manager Johnson, moved to adjourn at 10:23 PM.**
24 **Motion carried, Vote 5/0.**
25

26
27 Respectfully Submitted by
28 Debbie Meister, Recorder
29
30