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**Minutes of the Regular Meeting of the Brown's Creek Watershed District Board of Managers, August 10, 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	Lisa Tilman, EOR
Gail Pundsack, Vice-President,	Kevin Biehn, EOR
	Chuck Holtman, Legal Counsel
	Pat Conrad, EOR
	Mary Ann Sandeen, Fairway Villas
	Mick Lynskey, Fairway Development, LLC
	Ken and Mary Harycki, Stillwater

**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**

**Manager Vanzwol, seconded by Manager Pundsack, moved to approve the meeting agenda and discussion agenda as presented. Motion carried, vote 5/0.**

**3. Public Comments**

There were no public comments.

**4. Approve Board Meeting Minutes – Board Action**

**a) July 7, 2009 Special Meeting**

**Manager Johnson, seconded by Manager Vanzwol, moved to approve the minutes of the July 7, 2009 Special Meeting as presented. Motion carried, vote 5/0.**

**b) July 13, 2009 Regular Meeting**

1 **Manager Taillon, seconded by Manager Vanzwol, moved to approve the July 13,**  
2 **2009 Regular Meeting minutes as amended. Motion carried, vote 5/0.**

3  
4 c) **July 28, 2009 Special Meeting**

5 **Manager Johnson, seconded by Manager Vanzwol, moved to approve the minutes of**  
6 **the July 28, 2009 Special Meeting as amended. Motion carried, vote 4/0/1. Manager**  
7 **Pundsack abstained because she was absent from the meeting.**

8  
9 **5. Treasurer's Report**

10 a) **Review Authorized Funds Spreadsheet**

11 Administrator Kill reported that the spreadsheet was updated to reflect BMP homeowner  
12 changes and Long Lake Plan Implementation coring update.

13  
14 b) **Current Items Payable – Board Action**

15 **Manager Taillon, seconded by Manager Johnson, moved to pay bills in the amount**  
16 **of \$36,161.22. Motion carried in a roll call vote: 5/0.**

17  
18 Manager Taillon reported that Administrator Kill purchased an eight-month CD at 0.26  
19 percent.

20  
21 **Manager Vanzwol, seconded by Manager Taillon, moved to authorize the**  
22 **Administrator to purchase up to 14 month CDs. Motion carried, vote 5/0.**

23  
24 c) **Permit Fee Statements Review**

25 Administrator Kill reported that there are five permit closures—all at Sanctuary, the  
26 Lennar bill has now been mailed and there is still difficulty getting in touch with the  
27 collection agency.

28  
29 **6. Permitting**

30 a) **BCWD Permit #07-07 Fairway Villas – Request for Permit Transfer and**  
31 **Renewal— Board Action**

32 Administrator Kill presented a letter from Mr. Lynskey and some draft permit conditions  
33 and clarified that Fairway Development, LLC will be the new permit holder. Mr.  
34 Lynskey requested changes to the second condition to read “2. Renewal of permit  
35 approval is approved and terminates on August 31, 2009. However, if by 4:30 p.m. on  
36 that date all surety and proof of recorded declaration required for permit issuance are  
37 delivered to the BCWD in conforming fashion, the permit will issue and will be extended  
38 to August 31, 2010.” The Board agreed with the requested amendment. Mr. Lynskey  
39 indicated that he will fulfill requirements of the permit transfer by August 31, 2009.

40  
41 **President Leiser, seconded by Manager Vanzwol, moved to authorize the permit**  
42 **renewal and transfer to Fairway Development, LLC Permit #07-07 per the amended**  
43 **conditions. Motion carried in a roll call vote: 5/0.**

44  
45 Manager Johnson raised concern that the permit renewal is under the old rules and  
46 expressed an unwillingness for any future extensions. It was noted that there will be a  
47 preconstruction meeting.

1 **7. Projects/Programs**

2 **a) Long Lake**

3 • **Sediment Delta Corings Status Update**

4 Administrator Kill reported that because the coring analysis was more expensive than  
5 the initial estimate, one representative sample was taken, rather than three. Pat  
6 Conrad stated that the sample analysis will be presented next month. If the sediment  
7 is contaminated, he recommends no dredging. Next year monitoring will continue to  
8 include the inflows.

9  
10 • **Eurasian Watermilfoil**

11 Administrator Kill reported that Chip Welling (MN DNR) thinks that the Eurasian  
12 watermilfoil in the northern lobe of Long Lake is likely to eventually be spread  
13 downstream and potentially to McKusick Lake, though it is not expected to spread to  
14 Brown's Creek because of a lack of suitable growing conditions in the stream.  
15 Although the DNR is not generally opposed to management attempts, as yet, the MN  
16 DNR has not been successful with treatment options.

17  
18 • **Herberger's Pond — Plantings**

19 Pat Conrad and Administrator Kill provided information on planting emergent aquatic  
20 natives. There is a possible opportunity to partner with the city of Stillwater for  
21 dewatering if necessary and use volunteers for planting.

22  
23 **Manager Vanzwol, seconded by Manager Johnson, moved to authorize the**  
24 **Administrator to spend up to \$2,000 for plant materials under line item 929-**  
25 **0000. Motion carried, vote 5/0.**

26  
27 Administrator Kill noted that three purple-fringed orchids were found in the Brown's  
28 Creek Trails Park wetland restoration area. The only other documented location of  
29 the orchid in Washington County is at William O'Brian State Park. The orchid can  
30 often be associated with other rare natives.

31  
32 **b) Diversion Drainage—Sample Results to Date**

33 Administrator Kill reported that this has been a very dry season resulting in much storage  
34 capacity. EOR will provide a scope of services to analyze past and current data, possibly  
35 with funding from the McKusick Implementation Plan. Manager Vanzwol stated that  
36 there is significant groundwater coming from somewhere. The intent of the diversion  
37 structure was to keep warm water out of Brown's Creek, but not stop the base flow.

38  
39 *Recess at 7:36 to 7:44 p.m.*

40  
41 **c) Fen Management Plan – Jennifer Olson, EOR**

42 Ms. Olson reported that she revised the standards based on discussion at the July board  
43 meeting. After discussion focusing on the unresolved issues, next steps were outlined:  
44 maps and rules will be updated based on tonight's discussion and be presented next  
45 month, along with discussion of the June 1 memo.

46  
47

1           **d) Kern Center Pond**

2           • **Discussion of Potential Volume Control Options**

3           Administrator Kill summarized the joint meeting with Oak Park Heights. The  
4           Managers did a good job acknowledging issues and sharing information. A passing  
5           remark to use the pond water to irrigate Stillwater High School fields warranted a  
6           preliminary look. Lisa Tilman (EOR) reported that a broad look at this possibility  
7           shows that it has potential. Enough water could be drawn to meet the District's  
8           volume control rule. Other issues for further investigation were identified:  
9           cooperation from Valley Branch Watershed District (the high school is in its district);  
10          potential clogging of the irrigation system and the associated cost to filter the water;  
11          pumping across Hwy 5 and the associated cost; installing a leveler and monitoring the  
12          water flow; and comparing this to other options including irrigating around the  
13          shopping center or building another pond.

14  
15          • **Flow Monitoring of Hwy 36 Culvert**

16          **Manager Vanzwol, seconded by Manager Taillon, moved to transfer the level**  
17          **logger to the Hwy 36 culvert and monitor the flows, not to exceed \$1,000 from**  
18          **line item #300-4710. Motion carried, vote 5/0.**

19  
20          Next steps are: get Stillwater High's pumping records, meet with the school to  
21          determine its needs and specifications, get a scope of services from EOR for follow-  
22          up engineering and present findings to the Oak Park Heights City Council in January.

23  
24          **e) Wetland and Stream Restoration Projects for Consideration**

25          Administrator Kill reported that there are several projects related to Brown's Creek that  
26          could be eligible for grants funds, but require background/feasibility studies. At the  
27          District's request, Kevin Biehn (EOR) presented a brief scope and associated costs for  
28          gauging landowner and stakeholder interest for three restoration projects: the Mendel  
29          Wetland restoration, stream improvements at the Oak Glen Golf Course and Manning  
30          Avenue stream restoration. Mr. Biehn stated that EOR proposes proceeding with all three  
31          at once to benefit from economies of scale. The initial tasks could be completed by the  
32          end of the year.

33  
34          **Manager Vanzwol, seconded by Manager Johnson, moved to fund up to \$4,000 for**  
35          **the Mendel Wetland restoration assessment from line item 935-0000. Motion carried,**  
36          **vote 5/0.**

37  
38          **Manager Vanzwol, seconded by Manager Taillon, moved to fund up to \$5,500 for**  
39          **the Oak Glen Golf Course stream improvement assessment and up to \$3,000 for the**  
40          **Manning Avenue stream restoration assessment from line item 947-0000. Motion**  
41          **carried, vote 5/0.**

42  
43          **f) Homeowner BMP Projects – Board Action**

44          Administrator Kill introduced seven projects, three of which are reallocations back to the  
45          BMP fund.

46

1 President Leiser, seconded by Manager Johnson, moved to reallocate \$1084.01 from  
2 the Whalen residence BMP to fund 914-0000. Motion carried, vote 5/0.

3  
4 President Leiser, seconded by Manager Johnson, moved to reallocate \$240.07 from  
5 the Parendo residence BMP to fund 914-0000. Motion carried, vote 5/0.

6  
7 Manager Vanzwol, second by Manager Pundsack, moved approval of Holmes  
8 residence BMP not to exceed \$525 from fund 914-0000. Motion carried, vote 5/0.

9  
10 Manager Taillon, seconded by Manager Vanzwol, moved approval of Hanlon  
11 residence BMP not to exceed \$2,350 from fund 914-0000. Motion carried 5/0.

12  
13 Manager Vanzwol, seconded by Manager Taillon, moved to amend the Bates  
14 residence BMP to approve an additional cost share of \$2,125, for a total 2009 cost-  
15 share not to exceed \$2,500 from fund 914-0000. Motion carried, vote 5/0.

16  
17 Manager Pundsack, seconded by Manager Vanzwol, moved to amend the  
18 Zemcuznikov residence BMP contract to state that the Brown's Creek Watershed  
19 District will cost share on the design up to \$500 and project installation up to 50  
20 percent, not to exceed \$3,900 from fund 914-0000. Motion carried, vote 5/0.

21  
22 President Leiser, seconded by Manager Johnson, moved to reallocate \$569 from the  
23 Carle residence BMP to fund 914-0000. Motion carried, vote 5/0.

24  
25 g) **Trout Unlimited Grant Completion – Board Action**

26 Manager Vanzwol, seconded by Manager Taillon, moved to reallocate \$11,909.50  
27 back to BCWD fund 940-0000 for other projects. Motion carried, vote 5/0.

28  
29 **8. New Business**

30 a) **MAWD Leadership Training September 11-12, 2009**

31 Manager Vanzwol, seconded by Manager Johnson, moved to authorize payment of  
32 fees and expenses for board members attending the MAWD Leadership Training  
33 from line item 200-4000. Motion carried, vote 5/0.

34  
35 b) **BWSR Academy: November 2-4, 2009**

36 Manager Vanzwol, seconded by Manager Johnson, moved to authorize payment of  
37 fees and expenses for the Administrator from line item 200-4265 and board  
38 members attending the BWSR Academy from line item 200-4000. Motion carried,  
39 vote 5/0.

40  
41 c) **Upcoming Meetings**

- 42 • **Budget Workshops August 11 at 6:30 PM**  
43 Administrator Kill recommended having an engineer attend and getting budget  
44 estimates from legal counsel before the meeting.  
45  
46 • **CAC Meetings Topics —Budget Review, Lake Conservation Program, Lake**  
47 **Management Policy**

1 Manager Vanzwol and Administrator Kill will set a date for the meeting.  
2

- 3 • **Stillwater Meeting — October 6<sup>th</sup>**
- 4
- 5 • **Fall Tour —October 3<sup>rd</sup>**
- 6

7 **9. Old Business**

- 8 a) **Lake Elmo LWMP Resolution —Board Action**  
9 **President Leiser, seconded by Manager Vanzwol, moved to accept and approve the**  
10 **Lake Elmo LWMP Resolution 09-08. Motion carried on a roll call vote: 5/0.**  
11

12

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

14 a) **Administrator Updates and Proposed Schedule Change**

15 Administrator Kill reported that all permits look good; Benz Lake stormwater audits are  
16 proceeding, with only two refusals and Roger Vadnais' property up for sale; Sanctuary  
17 has been assured that the District surety is not duplicative of the city's and the Sanctuary  
18 Homeowners Association has landscaping ideas to improve water quality and habitat,  
19 which could be supplemented with city of Lake Elmo landscaping funds and District  
20 BMP cost share funds.  
21

22 b) **Communications & Manager Reports**

23 President Leiser reported that he plans to attend the next MAWD board meeting, will  
24 represent MAWD at the Minnesota Council's August 19 RiverNight cruise and was  
25 able to get the District fen project accepted for presentation at the MAWD meeting. It  
26 was noted that Lynch Lake was identified as impaired.  
27

28 c) **September 2009 BCWD Board Agenda**  
29

30 **11. Adjournment**

31 **Manager Johnson, seconded by Manager Vanzwol, moved to adjourn at 9:36 PM.**  
32 **Motion carried, vote 5/0.**  
33

34  
35 Respectfully Submitted by  
36 Debbie Meister, Recorder  
37  
38