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2 **Minutes of the Annual and Regular Meeting of the Brown's Creek Watershed District**
3 **Board of Managers, December 13, 2010**

4
5 WCD Offices, 1380 W. Frontage Road, Hwy. 36
6 Stillwater, MN 55082

APPROVED

7
8 **ROLL CALL**

Managers Present:	Others Present:
Craig Leiser, President	Karen Kill, Administrator
Rick Vanzwol, Vice-President	Debbie Meister, Recorder
Connie Taillon, Treasurer	Chuck Holtman, Legal Counsel
Gail Pundsack, Vice-President	Pat Conrad, EOR
	Camilla Correll, EOR
	Andrea Plevan, EOR
Managers Absent:	Eli Rupnow, EOR
Gerald Johnson, Secretary, absent	Steve Olson, ASCE Volunteer
	Todd Udvig, WCD
	Barb Medinger, Resident

9
10
11 **1. Call Annual Meeting to order @ 6:30 PM.**

12 President Leiser called the Annual Meeting to order at 6:37 PM.

13
14 **a) Approve Annual Meeting Agenda**

15 **Manager Vanzwol, seconded by Manager Taillon, moved to approve the Annual**
16 **Meeting agenda as presented. Motion carried, vote 4/0.**

17
18 **b) Review of 2010 Activities and Manager Comments**

19 Administrator Kill presented a slide show highlighting 2010 activities.

20
21 **Manager Vanzwol moved, seconded by Manager Pundsack, to accept the report**
22 **as amended. Motion carried, vote 4/0.**

23
24 **c) Election of Officers**

25 See below.
26
27

1 d) **Annual Selection of Bank**

2 **Manager Vanzwol moved, seconded by Manager Pundsack, to retain US Bank**
3 **as the District's official bank. Motion carried, vote 4/0.**
4

5 e) **Annual Selection of Official Newspaper**

6 **Manager Pundsack moved, seconded by Manager Taillon, to retain White Bear**
7 **Lake Press, the Stillwater Gazette, and the St. Croix Valley Press as the**
8 **District's official newspapers and post requests for qualifications in the**
9 **Minnesota State Register. Motion carried, vote 4/0.**
10

11 f) **Adjourn Annual Meeting**

12 **President Leiser moved, seconded by Manager Vanzwol, to table the election of**
13 **officers. Motion carried, vote 4/0.**
14

15 **President Leiser moved, seconded by Manager Vanzwol, to recess the Annual**
16 **Meeting. Motion carried, vote 4/0.**
17

18 2. **Call Regular Meeting to Order**

19 President Leiser called the Regular Meeting to order at 7:03 PM.
20

21 3. **Approve Regular Meeting Agenda and Discussion Agenda**

22 **Manager Taillon, seconded by Manager Vanzwol, moved to approve the Regular**
23 **Meeting agenda and discussion agenda as presented. Motion carried, vote 4/0.**
24

25 4. **Public Comments**

26 There were no public comments.
27

28 5. **BCWD Permit #10-21—Stone Arch Bridge-- request to waive permit fee—Board**
29 **Action**

30 Administrator Kill provided background on the bridge restoration project and the
31 volunteer group's request to waive the District permit fee. EOR staff reviewed the
32 preliminary plans and identified the rules that are triggered. Steve Olson spoke on behalf
33 of the many volunteers working on this project to stabilize the wing walls. Because of
34 funding constraints, current plans are to provide a five-to ten-year stabilization fix until
35 more permanent work can be done. The group does not know what it will take for full
36 restoration and is concerned that a long-term fix might compromise historic
37 characteristics. If the Department of Natural Resources purchases the Zephyr Line, there
38 is a possibility of getting a permanent fix. The Managers discussed previous District work
39 to add boulder vanes to move the flow away from the wing walls and center the flow
40 through the center of the bridge opening. They also discussed budget-funding options for
41 permit review.
42

43 **Manager Vanzwol moved, seconded by Manager Pundsack, because the Stone Arch**
44 **Bridge is the oldest standing bridge in Minnesota, is of historical significance to the**
45 **District and Washington County and is in danger of falling into the creek, to waive**
46 **the permit fees for bridge stabilization work. Motion carried, vote 4/0.**
47

1 Barb Medinger expressed concern about needing a permit and the cost to tax payers of
2 the review process. The Managers stated that the District is required by its formation and
3 State statute to review and permit projects that trigger District rules. The District has the
4 option to waive permit fees if a project is for public benefit. It was also noted that review
5 costs could be reduced if a hydrology study is completed and submitted by volunteers. It
6 was agreed that Administrator Kill will meet with Mr. Olson to outline what information
7 is needed.
8

9 **Manager Vanzwol moved, seconded by Manager Pundsack, to direct the**
10 **Administrator to determine the amount the District previously allocated to the**
11 **bridge restoration project under account 300-4703, report that amount to the Board**
12 **next month and to limit the permit waiver to that amount. Motion carried, vote 4/0.**
13

14 **President Leiser moved, seconded by Manager Vanzwol, to authorize EOR to**
15 **provide the Stone Arch Bridge stabilization team any relevant information that will**
16 **help with the stabilization project. Motion carried, vote 4/0.**
17

18 **6. Approve Board Meeting Minutes – November 8, 2010 Regular Meeting—Board**
19 **Action**

20 **Manager Taillon moved, seconded by Manager Vanzwol, to approve the November**
21 **8, 2010 Regular Meeting minutes as submitted. Motion carried, vote 4/0.**
22

23 **7. Treasurer’s Report**

24 **a) Review Authorized Funds Spreadsheet**

25 Administrator Kill reported that there were no changes in the spreadsheet.

26 **Manager Vanzwol moved, seconded by Manager Taillon, to accept the**
27 **authorized funds spreadsheet as presented. Motion carried, vote 4/0.**
28

29 **b) Permit Fee Statements Review**

30 Administrator Kill reported that a number of permits were closed out, most with
31 outstanding fees to be returned.
32

33 **c) Current Items Payable -- Board Action**

34 **Manager Taillon moved, seconded by Manager Vanzwol, to approve the current**
35 **items payable in the amount of \$258,354.74. Motion carried, roll call vote 4/0.**
36

37 **d) Certificates of Deposit—Board Action**

38 Administrator Kill reported that the interest rate of one of the Eagle Valley Bank CDs
39 approved for purchased last month was misquoted. The bank will allow the District to
40 rollover the CD or cash out without a penalty or take the reduced rate. Administrator
41 Kill recommended cashing both Eagle Valley Bank CDs on December 15th and
42 purchasing one seven-month CD at Lake Area Bank at a 0.9 percent rate.
43

44 **Manager Vanzwol moved, seconded by Manager Taillon, to approve**
45 **Administrator Kill’s recommendation on purchase and placement of CDs.**
46 **Motion carried, vote 4/0.**
47

1 **7. Permits**

2 a) **BCWD Permit #10-19 Auto Zone – Board Action**

3 Camilla Correll outlined the permit review, the applicant’s proposal to meet volume
4 and erosion controls and the engineer’s recommended conditions, which are
5 straightforward. The permit fees are \$4,000 and the District has received a \$5,000
6 surety deposit.

7
8 **Manager Vanzwol, seconded by Manager Pundsack, moved to approve BCWD**
9 **Permit #10-19 for the Auto Zone with the recommended conditions and fees.**
10 **Motion Carried 4/0.**

11
12 b) **BCWD Permit #10-21**

13 See above

14
15 *Recess at 8:00-8:10 PM*

16
17 **8. Presentation –Wetland Conservation Act 101 ---Todd Udvig, WCD**

18 Todd Udvig, wetlands specialist for Washington Conservation District, presented an
19 overview of the Wetland Conservation Act including wetland criteria, hydrology sources,
20 wetland types, regulatory jurisdictions in Minnesota, permitting and investigations.

21
22 **9. Projects/Programs**

23 a) **Masterman Lake Management Plan Approval—Board Action**

24 Administrator Kill reported that there were a few comments and overall the
25 community seemed accepting.

26
27 **Manager Vanzwol moved, seconded by Manager Taillon, to approve the**
28 **Masterman Lake Management Plan. Motion carried, vote 4/0.**

29
30 b) **Iron Enhanced sand—Board Action**

31 Eli Rupnow, EOR, summarized the scope to develop concept plans, cost estimate and
32 a long-term maintenance plan for the Iron Enhanced Retrofit Project in the Diversion
33 Drainage areas, as directed by the Board last month. The Managers spoke in support
34 of the project because of the potential to divert phosphorous at a very low-cost, the
35 opportunity to pilot an innovative technology and the potential for grant funds. Legal
36 Counsel stated that if water quality is the sole focus of the project, then this is a
37 capital project that would need to be in the District’s management plan. If this is a
38 demonstration project, an amendment is not needed. Manager Vanzwol suggested
39 additional monitoring to determine the effectiveness of the project.

40
41 **Manager Vanzwol moved, seconded by President Leiser, to approve the scope**
42 **for the preliminary analysis of an iron enhanced retrofit of the Diversion**
43 **Drainage area not to exceed \$30,000 from account 932-0001 with the concluding**
44 **information to lead to possible demonstration grant proposals because of the**
45 **potential significance as a tool for other water body improvement projects.**
46 **Motion carried, vote 4/0.**
47

1 c) **BWSR Clean Water Fund Grant: Stillwater Country Club—Approval of**
2 **Payment -- Board Action**
3 **Manager Vanzwol moved, seconded by President Leiser, to approve final**
4 **reimbursement to Stillwater Country Club pending Stillwater Country Club**
5 **signatures on the voucher and practice certification summary form. Motion**
6 **carried, vote 4/0.**
7

8 d) **Brown's Creek TMDL**
9 **i. Temperature Data Results**

10 Andrea Plevan reported on the additional temperature monitoring to help pinpoint
11 thermal loads to the creek. The data indicate that the irrigation ponds and the
12 stormwater pond together have a thermal impact to the creek. She made two
13 recommendations: 1. Begin data collection to determine the feasibility of pond
14 retrofits, 2. Collect a full season of thermal monitoring in 2011. The Managers
15 requested a cost for monitoring be provided next month.
16

17 e) **Lily, Long, McKusick TMDL—Update**

18 Administrator Kill reported that she has been talking with the City of Stillwater about
19 doing a tri-lake TMDL. Based on Long Lake projects that have already been
20 implemented, the Lily Lake subwatershed assessment and McKusick Lake
21 subwatershed assessment that are completed or almost completed by Middle St. Croix
22 Watershed District, the good cooperation between Stillwater and the watershed
23 districts, Administrator Kill is not sure that \$40,000 for the TMDLs is a good use of
24 resources. Other options are to move forward on the Implementation Plans or have
25 the lakes delisted. She suggested next steps: Review the 2010 monitoring data and
26 then set up a joint Districts-City-MPCA workshop in March 2011.
27

28 **10. Old Business**

29 a) **Water Quality Manual— Board Action**

30 **Manager Vanzwol moved, seconded by Manager Pundsack, to approve the**
31 **purchase of three additional Water Quality Manuals at a cost of \$30 per manual**
32 **not to exceed \$100 from account 910. Motion carried, vote 4/0.**
33
34

35 **11. New Business**

36 a) **2011 Budget—Final Levy Discussion**

37 No budget changes were suggested.
38

39 b) **Resolution 10-04 Final 2011 Budget—Board Action**

40 **Manager Vanzwol moved, seconded by Manager Taillon, to approve Resolution**
41 **10-04. Motion carried, roll call vote 4/0.**
42

43 c) **Resolution 10-05 Final 2011 Levy Certification – Board Action**

44 **Manager Vanzwol moved, seconded by Manager Taillon, to approve Resolution**
45 **10-05. Motion carried, roll call vote 4/0.**
46

1 **d) BCWD Clothing Order**

2 Administrator Kill circulated a clothing catalog and asked Managers to let her know
3 if any are interested in ordering an item.
4

5 **12. Discussion Agenda – No Action Required**

6 **a) Administrator Updates**

7 Administrator Kill reported on the following:

8 o **MAWD Conference**

9 There were technical presentations on TMDLs, discussion on whether the MPCA
10 is willing to look at other options instead of requiring TMDL Plans and passage of
11 the resolution submitted by Brown’s Creek Watershed District.
12

13 o **Long Lake Native Buffer Grant**

14 The area was sprayed this fall and is on track for spring planting. The District is
15 working with the City of Stillwater on buckthorn removal. EOR completed three
16 successful treatments at the fen.
17

18
19
20 **b) Communications & Manager Reports**

21 President Leiser reported on highlights of the MAWD conference including the
22 election of Brian Johnson to the MAWD board, anticipated legislation and changes at
23 the Legislature with potential impacts to water-related entities, announcement of the
24 Summer Tour in Thief River Falls and discussion of the use of local water plans
25 instead of TMDL Plans.
26

27 **c) January 2011 BCWD Board Agenda**
28

29 **13. Adjournment**

30 **Manager Pundsack moved, seconded by Manager Taillon, to adjourn the Regular**
31 **Meeting at 10:17 PM. Motion carried, vote 4/0.**
32

33 President Leiser called the Annual Meeting out of recess.
34

35 **Manager Vanzwol moved, seconded by President Leiser, to elect the current slate of**
36 **officers: Craig Leiser—President, Rick Vanzwol and Gail Pundsack—Vice**
37 **President, Connie Taillon—Treasurer and Gerald Johnson—Secretary. Motion**
38 **carried, vote 4/0.**
39

40 **Manager Vanzwol moved, seconded by Manager Pundsack, to adjourn the Annual**
41 **Meeting at 10:20 PM. Motion carried, vote 4/0.**
42

43 Respectfully Submitted by
44 Debbie Meister, Recorder
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