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Minutes of the Regular Meeting of the Brown's Creek Watershed District Board of Managers, February 8, 2010

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

APPROVED

ROLL CALL

Managers Present:	Others Present:
Rick Vanzwol, Vice-President	Karen Kill, Administrator
Connie Taillon, Treasurer	Debbie Meister, Recorder
Gerald Johnson, Secretary	Chuck Holtman, Legal Counsel
	Pat Conrad, EOR
Managers Absent:	Camilla Correll, EOR
<i>Craig Leiser, President, absent</i>	
<i>Gail Pundsack, Vice-President, absent</i>	

- 1. Call Regular Meeting to order @ 6:30 PM**
Manager Vanzwol called the Regular Meeting to order at 6:43 PM.
- 2. Approve Regular Meeting Agenda and Discussion Agenda**
Administrator Kill requested changing item 5a to Review Authorized Budget Carryover and adding item 5d New Certificates of Deposit. Manager Vanzwol requested adding item 9b Benz Lake.
Manager Johnson moved, seconded by Manager Taillon, to approve the Regular Meeting agenda and discussion agenda as amended. Motion carried, vote 3/0.
- 3. Public Comments**
There were no public comments.
- 4. Approve Board Meeting Minutes January 11, 2010 Regular Meeting – Board Action**
Manager Johnson moved, seconded by Manager Taillon, to approve the minutes of the January 11, 2010 Regular Meeting as presented. Motion carried, vote 3/0 .

1 **5. Treasurer's Report**

2 **a) Review Authorized Budget Changes**

3 Administrator Kill presented the 2009 year-end statement of activities summarizing
4 actual expenditures compared to the budget. The difference is the year-end carryover.
5 Statement of activities is a monthly report prepared by the accountant. Administrator
6 Kill recommended incorporating and approving the actual carryover for the 2010
7 budget.

8 **Manager Johnson moved, seconded by Manager Taillon, to table approving and**
9 **incorporating the carryover into the 2010 budget until next month's meeting.**
10 **Motion carried, vote 3/0.**

11
12 **b) Current Items Payable – Board Action**

13 **Manager Taillon moved, seconded by Manager Johnson, to pay bills in the**
14 **amount of \$370,655.05, which includes \$350,000 for the purchase of certificates**
15 **of deposits. Motion carried, roll call vote 3/0.**

16
17 **c) Permit Fee Statements Review**

18 Manager Vanzwol noted that David Scott (Permit 07-020) is falling behind in
19 payments again and is not being charged interest. Administrator Kill will correct the
20 interest charges and will talk with Legal Counsel about collections accounts.
21 Manager Vanzwol stated that collections have been very good overall.

22
23 **d) New Certificates of Deposit**

24 Administrator Kill reported that the Managers will need to sign the new CDs. The
25 paperwork can be completed for two of the banks, while Eagle Valley Bank requires
26 at least one manager to go with Administrator Kill to sign at the bank.

27
28 **Manager Vanzwol moved, seconded by Manager Johnson, to authorize each**
29 **sitting manager to act as a signatory on behalf of the District in the exercise of**
30 **the following powers: (a) the opening of any deposit or share account(s) in the**
31 **name of the District that has been authorized by the Board of Managers; and (b)**
32 **the endorsing of checks and orders for the payment of money or otherwise for**
33 **the withdrawal or transfer of funds with respect to such deposit or share account.**
34 **Motion carried, roll call vote 3/0.**

35
36 **Manager Vanzwol moved, seconded by Manager Taillon, to authorize each**
37 **sitting manager to act as a signatory on behalf of the District in the exercise of**
38 **the following powers: (a) to open, in Lake Area Bank, any deposit or share**
39 **account(s) in the name of the District that has been authorized by the Board of**
40 **Managers; and (b) to endorse checks and orders for the payment of money or**
41 **otherwise withdraw or transfer funds with respect to such deposit or share**
42 **account, and otherwise to resolve as follows with respect to such deposits and**
43 **share accounts:**

- 44
45 **1. The Lake Area Bank (LAB) is designated as a depository for the funds of**
46 **BCWD and to provide financial accommodations indicated in the resolution.**

- 1 2. This resolution shall continue to have effect until express written notice of its
2 rescission or modification has been received and recorded by LAB. Any and
3 all prior resolutions adopted by the Board of Directors of BCWD and
4 certified to LAB as governing the operation of BCWD's accounts, are in full
5 force and effect, until LAB receives and acknowledges an express written
6 notice of its revocation, modification or replacement. Any revocation,
7 modification or replacement of a resolution must be accompanied by
8 documentation, satisfactory to LAB, establishing the authority for the
9 changes.
- 10 3. The signature of an Agent on this resolution is conclusive evidence of their
11 authority to act on behalf of BCWD. Any Agent, so long as they act in a
12 representative capacity as an Agent of BCWD, is authorized to make any and
13 all other contracts, agreements, stipulations and orders which they may deem
14 advisable for the effective exercise of the powers indicated on page one, from
15 time to time with LAB, subject to any restrictions on this resolution or
16 otherwise agreed to in writing.
- 17 4. All transactions, if any, with respect to any deposits, withdrawals,
18 rediscounts and borrowings by or on behalf of BCWD with LAB prior to the
19 adoption of this resolution are hereby ratified, approved and confirmed.
- 20 5. BCWD agrees to the terms and conditions of any account agreement,
21 properly opened by any Agent of BCWD. BCWD authorizes LAB, at any
22 time, to charge BCWD for all checks, drafts, or other orders, for the
23 payment of money, that are drawn on LAB, so long as they contain the
24 required number of signatures for this purpose.
- 25 6. BCWD acknowledges and agrees that LAB may furnish at its discretion
26 automated access devices to Agents of BCWD to facilitate those powers
27 authorized by this resolution or other resolutions in effect at the time of
28 issuance. The term "automated access device" includes, but is not limited to,
29 credit cards, automated teller machines (ATM) and debit cards.
- 30 7. BCWD acknowledges and agrees that LAB may rely on alternative signature
31 and verification codes issued to or obtained from the Agent named on this
32 resolution. The term "alternative signature and verification codes" includes
33 but is not limited to, facsimile signatures on file with LAB, personal
34 identification number (PIN), and digital signatures. If a facsimile signature
35 specimen has been provided on this resolution, (or that are filed separately
36 by BCWD with LAB from time to time) LAB is authorized to treat the
37 facsimile signature as the signature of the Agent(s) regardless of by whom or
38 by what means the facsimile signature may have been affixed so long as it
39 resembles the facsimile signature specimen on file. BCWD authorizes each
40 Agent to have custody of BCWD's private key used to create a digital
41 signature and to request issuance of a certificate listing the corresponding
42 public key. LAB shall have no responsibility or liability for unauthorized use
43 of alternative signature and verification codes unless otherwise agreed in
44 writing.

45 Motion carried, roll call vote 3/0.
46

1 **6. Projects/Programs**

2 a) THPP

- 3 ○ Scope for January Recommendations—Board Action

4 Camilla Correll stated that at last month's meeting Mike Majeski (EOR)
5 presented recommendations for the monitoring program. This month he provided
6 cost estimates for the work plus two additional recommendations with the
7 estimated costs.

8
9 **Manager Johnson moved, seconded by Manager Taillon, to approve**
10 **continuing monitoring surface elevations in Basin 1, Basin 3 and Wetland C**
11 **and include additional site visits not to exceed \$10,000 from account 903-0000;**
12 **mowing and seeding road edges, cutting and de-limbing box elder trees and**
13 **delegating EOR to contact the property owner about this work not to exceed**
14 **\$2,570 from account 948-0000; upgrading monitoring equipment not to**
15 **exceed \$660 from account 300-4640; and monitoring the infrastructure of**
16 **Kismet and THPP in the summer of 2010 not to exceed \$240 from account**
17 **948-0000. Motion carried, vote 3/0.**

- 18
19 ○ Scope for Additional Infiltration Analysis

20 **Manager Vanzwol moved, seconded by Manager Johnson, to table this until**
21 **it can be discussed with President Leiser. Motion carried, vote 3/0.**

22
23 **b) Fen Trolley Line Repair—Additional Analysis — Board Action**

24 Pat Conrad summarized Ryan Fleming's findings. Rerouting, while moving water
25 flow from the north to the east, will not increase runoff rates or velocity. Although
26 volume will increase, because of the topography it is negligible and will outlet to the
27 pond. Once the water reaches the hayfield it will spread out and not channelize.
28 Legal Counsel noted that an easement is not required if drainage patterns as a result
29 of the work do not unreasonably alter the natural flow conditions on the adjacent
30 property. It was agreed that Administrator Kill will schedule a meeting with Mike
31 Regan and then meet with the Gundersons to update them on the project.

32
33 **c) BMP Signage**

34 Administrator Kill presented two sample signs with holders from Garden Markers.
35 The signs cost about \$12-\$14 and are guaranteed for 10 years, which is the length of
36 the BMP requirement. To limit risk, Legal Counsel recommended considering safety
37 when selecting a sign and having the landowner install the sign. Administrator Kill
38 stated that she will provide more details including numbers to order and the exact cost
39 next month.

40
41 **d) Brown's Creek Trails Park Management Plan—Board Action**

42 Administrator Kill reported that work on the plan was started with LCCMR funds
43 with cooperation from Trout Unlimited. She shared the draft plan with Great River
44 Greening (GRG). GRG also received 2010 LCCMR funding that may be utilized for
45 buckthorn removal. This funding requires a one-to-one match. Manager Vanzwol
46 recommended delaying action, until next month when the full board will be in
47 attendance and a budget flow chart for subsequent years is available.

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7. Old Business

a) Official Newspaper —Board Action

Administrator Kill reported that posting requests for qualifications in the State Register and other notices—budget hearing, project hearing, District tour—in the three local newspapers is within the budget and reaches the most households.

Manager Taillon moved, seconded by Manager Vanzwol, to select the White Bear Lake Press, the Stillwater Gazette, and the St. Croix Valley Press as the official newspapers and to post requests for qualifications in the Minnesota State Register. Motion carried, vote 3/0.

8. New Business

a) BCWD Credit/Debit Card

Manager Johnson suggested getting a credit or debit card to be used for pre-approved expenditures such as conference registrations or other pre-paid events rather than using personal expenditures and submitting reimbursement documentation. Legal Counsel stated that having a credit/debit card is authorized by the state, but the State Auditor recommends adopting a written policy. The Managers directed Legal Counsel and the Administrator to bring policy suggestions and a recommendation to the Board next month.

b) MAWD Legislative Breakfast & Legislative Priorities – March 11th at 7 AM

Administrator Kill reported that she has meetings scheduled with three of the District’s four legislators on March 10 and invited the Managers to attend.

Manager Vanzwol moved, seconded by Manager Taillon, to authorize payment of any MAWD Legislative Breakfast and Priorities registration fees for the Managers and Administrator to attend. Motion carried, vote 3/0.

c) 11th Annual Protection the St. Croix Conference -- April 8th

Manager Vanzwol moved, seconded by Manager Johnson, to authorize payment of any St. Croix Conference registration fees for the Managers and Administrator to attend. Motion carried, vote 3/0.

d) Iron Enhanced Sand --Discussion

Manager Vanzwol reported that using iron enhanced sand to remove phosphorus from stormwater runoff was presented at the Water Consortium. Camilla Correll stated that with filings at a 2-5% ratio it appears there is an 86-95% phosphorus removal rate. The Board discussed the potential applications for this technology such as retrofits, new construction, underneath rain gardens with engineered soil or sand, vertical filtering, groundwater contamination, Herberger’s Pond and the diversion structure. Pat Conrad noted that this application appears to work best with slow contact time and is expected to continue to work for about 30 years, though there is only about two years of data. EOR will look for opportunities to pilot this technology.

9. Discussion Agenda – No Action Required

a) Administrator Updates

- BWSR Clean Water Fund Grant – Stillwater Country Club

1 Administrator Kill reported that the District received a BWSR grant for the
2 Stillwater Country Club project. Although only the top 55 proposals were
3 funded, the Oak Glen Golf Course proposal was ranked 57th.
4

5 • **Brown's Creek Biota TMDL**

6 Administrator Kill reported that the TMDL is still in the internal review process
7 with the MN Pollution Control Agency. Because of the natural conditions of
8 low dissolved oxygen, the District asked for a delisting, which was denied. The
9 District will provide expert testimony and will try to get the University of
10 Minnesota groundwater data that was presented to the Technical Advisory
11 Committee.
12

13 • **Lynch Lake Monitoring Location**

14 Administrator Kill reported that WCD completed a macrophyte survey in the
15 north end of Lynch Lake last year and a deeper portion of the lake was
16 determined. Administrator Kill recommended monitoring both sites and will
17 provide the added costs for monitoring next month.
18

19 • **Communication Plan/EMWREP Updates**

20 Administrator Kill reported that she met with BWSR staff and Angie Hong
21 about a communications plan. She will meet with them again next month.
22

23 • **Long Lake Newsletter**

24 Administrator Kill reported that the newsletter was sent out in the beginning of
25 January.
26

27 • **Mendel Wetland**

28 Administrator Kill reported that Kevin Beihn (EOR) compiled fact sheets for
29 landowners summarizing the progression of land, stream realignment and the
30 restoration process. She will send a packet to the Board via email.
31

32 **b) Communications & Manager Reports**

33 ○ **Benz Lake**

34 Manager Vanzwol stated that this may be the time to send a letter to lake residents
35 about planning BMP installations. Most have had an audit.
36

37 **c) March 2010 BCWD Board Agenda**
38

39 **10. Adjournment**

40 **Manager Johnson moved, seconded by Manager Taillon, to adjourn at 8:58 PM.**
41 **Motion carried, vote 3/0.**
42
43

44 Respectfully Submitted by
45 Debbie Meister, Recorder