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Minutes of the Regular Meeting of the Brown's Creek Watershed District Board of Managers, April 12, 2010

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	Chuck Holtman, Legal Counsel
Gerald Johnson, Secretary	Pat Conrad, EOR
	Ryan Fleming, EOR
Absent:	
Gail Pundsack, Vice-President, absent	

- 1. Call Regular Meeting to order @ 6:30 PM**
President Leiser called the Regular Meeting to order at 6:33 PM.
- 2. Approve Regular Meeting Agenda and Discussion Agenda**
Administrator Kill requested that Diversion Monitoring replace item 6a. Pat Conrad requested Vegetation Maintenance replace item 6b2.
Manager Taillon, seconded by Manager Vanzwol, moved to approve the Regular Meeting agenda and discussion agenda as amended. Motion carried, vote 4/0.
- 3. Public Comments**
President Leiser asked if the managers had received the *National Geographic* water issue. He noted that it had valuable background information and a map of water usage. He asked to be reimbursed for the purchase of the issues. Manager Vanzwol distributed "Clean Water at a Crossroads", an Isaac Walton League of America publication on two Supreme Court water decisions.
- 4. Approve Board Meeting Minutes March 8, 2010 Regular Meeting – Board Action**
Legal counsel suggested changes to the minutes.

1 **Manager Vanzwol moved, seconded by Manager Johnson, to approve the minutes of**
2 **the March 8, 2010 Regular Meeting as amended by legal counsel. Motion carried,**
3 **vote 4/0.**
4

5 **5. Treasurer's Report**

6 **a) Review Authorized Funds Spreadsheet**

7 Administrator Kill provided several changes to the spreadsheet. She noted that
8 including \$53,719 revenue from MPCA for the BCWD Biota TMDL 100-3603 and
9 \$53,719 expenditure for 937-0000 changes the total budget and requires formal
10 acceptance.

11 **Manager Vanzwol moved, seconded by Manager Taillon, to accept the revised**
12 **authorized spreadsheet and corresponding revised budget dated April 12, 2010;**
13 **the total budget is now \$1,261,751. Motion carried, vote 4/0.**
14

15 **b) Permit Fee Statements Review**

16 Administrator Kill reported that there are no significant changes. Things are on track
17 in the administrative accounts. In the management plan accounts, the board may
18 choose to reallocate some funds. Administrator Kill will provide some suggested
19 changes at the May meeting.
20

21 **6. Projects/Programs**

22 **a) Diversion Monitoring**

23 Administrator Kill stated that one of EOR's recommendations is to monitor five more
24 grab sampling sites at the outlet of developments for about \$2,000. If water is not
25 flowing, no monitoring will occur.

26 **Manager Vanzwol moved, seconded by Manager Johnson, to add five more**
27 **diversion monitoring sites not to exceed \$2,000 from account 300-4710 in 2010 to**
28 **better determine phosphorous sources reaching the diversion structure. Motion**
29 **carried, vote 4/0.**
30

31 **b) Fen**

32 **1.) Trolley Line Repair—Update/Board Action**

33 Ryan Fleming provided a revised proposal based on legal counsel's suggestions
34 and the intent to stay under the WCA de minimus of 1,000 sq ft. Administrator
35 Kill added that Mr. Regan is confident that he owns the entire drainage area.
36

37 **President Leiser moved, seconded by Manager Johnson, to transfer \$10,000**
38 **from account 935-0000 to a new account 953-0000 for Fen Management Plan**
39 **Implementation. Motion carried, vote 4/0.**
40

41 **Manager Vanzwol moved, seconded by Manager Taillon, to accept the scope**
42 **for the trolley line repair dated April 12, 2010 for up to \$5,495 from account**
43 **953-0000. Motion carried, vote 4/0.**
44

45 **2.) Vegetation Maintenance—Board Action**

46 Pat Conrad stated that an immediate threat to the fen is invasive species. It is
47 anticipated that three visits for maintenance will be needed and EOR will hire a

1 subcontractor for the work. Administrator Kill added that vegetation maintenance
2 was not part of the initial discussion with Mr. Regan, but the District agreed to get
3 his permission before any work is done.
4

5 **Manager Vanzwol moved, seconded by Johnson, to allocate up to \$3,850**
6 **from account 953-0000 for fen vegetation maintenance, conditional upon**
7 **permission from the landowner. Motion carried, vote 4/0.**
8

9 **b) BMP Program**

10 **1.) BMP Subcommittee**

11 President Leiser stated that the issue on the table is whether Manager Taillon
12 should continue on the BMP Subcommittee because of a potential perceived
13 conflict of interest. Manager Johnson praised Manager Taillon for the wonderful
14 job she has done expanding the program.
15

16 **President Leiser moved, seconded by Manager Vanzwol, to appoint Manager**
17 **Johnson to the BMP Subcommittee with Manager Vanzwol to serve as an**
18 **alternate and Manager Taillon to remain on the Subcommittee with the**
19 **proviso she recuse herself from discussion and voting at the board level.**
20 **Motion carried, vote 3-0-1, with Manager Taillon recusing herself.**
21

22 Manager Taillon noted that she will refuse per diem for subcommittee meetings.
23

24 **2.) Projects – Board Action**

25 **Manager Johnson moved, seconded by Manager Vanzwol, to approve the**
26 **Parendo BMP cost-share not to exceed \$480 from account 914-0000. Motion**
27 **carried, vote 3/0/1, with Manager Taillon recusing herself.**
28

29 **Manager Johnson moved, seconded by Manager Vanzwol, to approve the**
30 **Windisch BMP cost-share not to exceed \$1,050 from account 914-0000.**
31 **Motion carried, vote 3/0/1, with Manager Taillon recusing herself.**
32

33 Administrator Kill reported that Mr. Conrad had some concerns with the steep
34 slopes on the Krafthefer property and recommended further engineering
35 investigation. The project is projected to reduce phosphorous by two pounds per
36 year and reduce total suspended solids.
37

38 **President Leiser moved, seconded by Manager Vanzwol, to rename account**
39 **947-0000 Brown's Creek Implementation. Motion carried, vote 4/0.**
40

41 **Manager Vanzwol moved, seconded by Manager Johnson, to require further**
42 **engineering to verify the subwatershed contributing to runoff and the design**
43 **to reduce the phosphorous and suspended solids for the Krafthefer BMP**
44 **cost-share not to exceed \$2,500 from account 947-0000. Motion carried, vote**
45 **3/0/1, with Manager Taillon recusing herself.**
46

47 Legal counsel noted that depending on funding this might be a capital project.

1 **3.) BMP Backyard Signage**

2 Manager Vanzwol moved, seconded by Manager Johnson, to authorize the
3 Administrator to purchase 100 of the preferred signs not to exceed \$1,000
4 under account 910-0000. Motion carried, vote 4/0.
5

6 **c) Brown's Creek Trails Park Management Plan—Board Action**

7 Administrator Kill reviewed work that was done last year with LCCMR funds
8 provided by Trout Unlimited. She presented a draft budget for maintenance and
9 monitoring through 2014.

10
11 Manager Vanzwol moved, seconded by Manager Taillon, to establish a new
12 account 954-0000 Brown's Creek Trail Park by transferring \$7,500 from
13 account 929-0004. Motion carried, vote 4/0.
14

15 Manager Vanzwol moved, seconded by Manager Taillon, to approve
16 expenditures for Brown's Creek's Trails Park restoration not to exceed \$5,800 in
17 2010 from account 954-0000 and for signage, as approved previously. Motion
18 carried, vote 4/0.
19

20 **d) Long Lake Boat Use Survey—Board Action**

21 Mr. Ryan reported that EOR developed an approach to assess boat usage on Long
22 Lake and predict future usage and potential mixing of the lake. Since this survey was
23 requested the Managers noted that the District is no longer considering a lake draw
24 down. After further discussion, President Leiser stated that the EOR proposal has
25 been received with gratitude, but at this time the District will seek to determine what
26 the City of Stillwater is prepared to do and explore whether there are citizen groups
27 willing to assist in a boat launch survey.
28

29 **8. New Business**

30 **a) 2009 Audit—Board Action**

31 Administrator Kill reported on the governance letter and the audit prepared by HLB
32 Tautges Redpath, Ltd.

33 Manager Vanzwol moved, seconded by Taillon, to accept the audit as presented.
34 Motion carried, vote 4/0.
35

36 The Managers directed Administrator Kill to send the approved audit to BWSR, the
37 State Auditor and the Department of Natural Resources, as required by state statute.
38

39 **b) Insurance Deductible Options—Board Action**

40 Administrator Kill reported that deductibles are a new option being offered and the
41 District has never reported a claim.
42

43 President Leiser moved, seconded by Manager Vanzwol, to purchase an
44 insurance premium with a \$500 deductible for an annual rate of \$2,899. Motion
45 carried, vote 4/0.
46
47

1 c) **2010 Envirothon Funding Request—Board Action**

2 Administrator Kill reported that last year the District funded a Mahtomedi High
3 School team to participate in this one-day meet.

4 **Manager Taillon moved, seconded by Manager Vanzwol, to approve \$450 from**
5 **account 910-0000 for busing for three teams from Mahtomedi & Stillwater Area**
6 **High Schools to participate in Envirothon. Motion carried, vote 4/0.**

7
8 d) **EOR 2010 Rates—Board Action**

9 **Manager Vanzwol moved, seconded by Manager Taillon, to accept EOR's rate**
10 **change. Motion carried, vote 4/0.**

11
12 d) **Joint Stillwater Board Meeting Date/agenda—Board Action**

13 Administrator Kill suggested scheduling a joint meeting—possibly in early June—after
14 the diversion drainage analysis has been presented to the board.

15
16 f) **Spring/summer BCWD Tour—Board Action**

17 Administrator Kill suggested a BMP tour from 9 AM to 1 PM on a Saturday in July. She
18 will check with BMP residents.

19
20 g) **Metro MAWD- Tuesday, April 20th at 7-9 PM**

21 Manager Vanzwol plans to attend the meeting.

22
23 **8. Treasurer's Report (Continued)**

24 a) **Current Items Payable – Board Action**

25 Manager Taillon reported that the current items payable has been revised to reflect
26 the cost of the insurance premium and Envirothon support approved earlier in the
27 meeting.

28
29 **Manager Taillon moved, seconded by Manager Vanzwol, to pay bills in the**
30 **amount of \$30, 942.13. Motion carried, roll call vote 4/0.**

31
32 Manager Taillon noted that one CD matured. Administrator Kill reported that next month
33 there will be a lot of bills and she will review the cash flow.

34
35 **Manager Vanzwol moved, seconded by Manager Johnson, to authorize paying**
36 **the per diem for President Leiser to attend the MAWD board meeting and put**
37 **this into the next quarterly per diem payment. President Leiser recused himself**
38 **and Manager Vanzwol called the question. Motion carried, vote 3/0/1, with**
39 **President Leiser abstaining.**

40
41 **9. Discussion Agenda – No Action Required**

42 a) **Administrator Updates**

43 Administrator Kill reported the following:

- 44 ○ **Permit Update** - The permits are in good shape.

45
46
47

1 ○ **BWSR Clean Water Fund Grant—Stillwater Country Club**

2 Initially the grant agreement was expected by March. Although it is now not
3 anticipated until May, the District can enter its work plan on line. Legal Counsel
4 will help draft a separate agreement between the District and the Country Club.
5

6 ○ **Brown's Creek Biota TMDL**

7 President Leiser and Manager Vanzwol attended the TAC meeting in mid March.
8 Some written comments were received. A group comprised of the District, MPCA,
9 EOR and WCD will meet to address the comments.
10

11 ○ **Mendel Wetland Restoration**

12 Administrator Kill has meetings with three of the five landowners around the
13 Mendel Wetland.
14

15 ○ **Masterman Lake Management Plan**

16 About 12 of the 20 property owners attended a meeting in late March. The group
17 was highly informed and knowledgeable. Their input will be incorporated into the
18 draft management plan.
19

20 ○ **St. Croix Conference**

21 Administrator Kill attended this and the Shallow Lake conference.
22

23 ○ **MAWD Legislative Breakfast/Day at the Capitol**

24 President Leiser and Administrator Kill met with BCWD legislators. There was a
25 good budget talk and discussion at breakfast.
26

27 **b) Communications & Manager Reports**

28 Manager Vanzwol provided an update on the Water Consortium meeting that focused
29 on using iron enhanced sand to capture phosphorous. EOR is looking for site specific
30 uses. The Recycling Association of Minnesota, in cooperation with watershed
31 districts, is offering rain barrels at a discount to residents. President Leiser reported
32 that a meeting with SWCDs and MAWD will continue the discussion about what
33 watershed districts and agencies do and do not do well related to water issues. He
34 will be installed as a Rotary governor and will undertake some water issues with the
35 clubs that are within the boundaries of BCWD. Manager Taillon noted that her
36 housing association could save money and improve water quality by changing its
37 maintenance contracts. Wendy Griffin of WCD spoke to the association about HOA
38 maintenance.
39

40 **c) May 2010 BCWD Board Agenda**
41

42 **10. Adjournment**

43 **Manager Johnson moved, seconded by Manager Vanzwol, to adjourn at 9:20 PM.**
44 **Motion carried, vote 4/0.**
45

46 Respectfully Submitted by
47 Debbie Meister, Recorder