



1
2
3
4
5
6
7
8
9

Minutes of the Regular Meeting of the Brown's Creek Watershed District Board of Managers, August 16, 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	Louis Smith, Legal Counsel
Gerald Johnson, Secretary	Camilla Correll, EOR
Gail Pundsack, Vice-President	Mary and Ken Harycki, residents
	Jessica Pilarski, Washington County
	Brian Larson, resident
	Tony Mutter, resident
	Colleen Eddy, resident
	Ed Matthiesen, Wenck Associates
	Mark Youngdahl, Fairway Villas
	Tom Henderson, CAC

10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

1. **Call Regular Meeting to order @ 7:30 PM**
President Leiser called the Regular Meeting to order at 7:43 PM.
2. **Approve Regular Meeting Agenda and Discussion Agenda**
Manager Johnson, seconded by Manager Pundsack, moved to approve the Regular 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**
 - a) **July 12, 2010 Regular Meeting—Board Action**
Manager Vanzwol moved, seconded by Manager Pundsack, to approve the July 12, 2010 Regular Meeting minutes as presented. Motion carried, vote 4 /0/1. Manager Johnson abstained.

- 1 b) **June 21 Special Meeting – Board Action**
2 **Manager Johnson moved, seconded by Manager Taillon, to approve the July 21,**
3 **2010 Special Meeting minutes as presented. Motion carried, vote 5/0.**
4

5 **5. Treasurer’s Report**

- 6 a) **Review Authorized Funds Spreadsheet**
7 **Manager Vanzwol moved, seconded by Manager Johnson, to accept the**
8 **spreadsheet dated August 16, 2010 as presented. Motion carried, vote 5/0.**
9

10 b) **Permit Fee Statements Review**

11 Administrator Kill stated that Millbrook was billed. President Leiser explained the
12 permit fee statements and the process for collections.
13

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

15 **Manager Taillon moved, seconded by Manager, to approve the current items**
16 **payable in the amount of \$69,549.03. Motion carried, roll call vote 5/0.**
17

18 Manager Taillon noted that a CD just matured.
19

20 **6. Permits**

21 a) **BCWD Permit #07-07 Fairway Villas – Permit Extension Request-- Board**
22 **Action**

23 Manager Vanzwol noted that this session is being recorded. Legal Counsel outlined
24 three options for board action. Louis Smith, District Legal Counsel, reviewed a memo
25 of Board options in regards to the permit extension request by Fairway Villas. Mr.
26 Youngdahl of Fairway Villas concurred with these options. Camilla Correll provided
27 a comparison of rule requirements for the permit, outlined what would need to be
28 done to meet the new rules and clarified that if the District renews the permit, the city
29 plat will remain.
30

31 Mr. Youngdahl stated that he was retained by Fairway Villas (FV) to analyze the
32 project and recommended that FV not start the project at this time because of the
33 market conditions, making a two-year permit extension more realistic. Wenck
34 Engineering was hired to help understand the rules from a watershed district
35 perspective. Mr. Matthiesen (Wenck) stated that FV could meet the new rules for
36 infiltration, water quality and stormwater management and the erosion control plan
37 already meets the new rules. It was noted that the rules for buffers did not change
38 under the new rules as they would be applied to this project. Manager Pundsack
39 stated that she would be willing to consider a continuance, if the new rules could be
40 met. President Leiser stated that he is concerned with the steep slope and the potential
41 for serious erosion during construction. Mr. Youngdahl responded that the District
42 has a lot more control with a group that is going to manage the entire site versus
43 individual site developers. This project has received a lot of scrutiny and has a lot of
44 protections in place.
45

46 Residents speaking in opposition to the extension raised the following concerns: the
47 number and length of the extensions, the steep slopes of the property, the

1 development density, the terracing because of the steep slopes, the potential for
2 sediment going into creek and the buffer variance. In response to questions about the
3 density, Managers responded that the City approved the number of buildings. In
4 response to questions about the variance, the Managers responded that the goal was
5 resource protection. Several variance conditions were put in place to protect the
6 creek, including but not limited to development of emergency stabilization plans,
7 redirection of stormwater flows, infiltration, additional surety amounts to be held for
8 a longer period of time. One building was removed from the development where
9 these conditions would not have been sufficient for the creek's protections. In
10 response to questions regarding other extensions on variances, Administrator Kill
11 added that this is only one of two District permits with variances and the only one to
12 request an extension; therefore, there are no standard procedures for this situation.

13
14 Manager Vanzwol clarified that when the first extension was granted, he stated that
15 he would not vote for another extension under the old rules and that housing density
16 is a zoning issue determined by the City.

17
18 **Manager Vanzwol moved, seconded by Manager Johnson, to renew the permit**
19 **until August 31, 2012 with the following conditions: 1. The applicant agrees in**
20 **writing by August 24, 2010 to meet the current District rules; 2. The applicant**
21 **makes payment of the permit fee deposit of \$7,000, by the time of the written**
22 **agreement and 3. The applicant submits design details to the District by**
23 **September 11, 2010 to allow time for the District to review plans before the**
24 **October 11 Board meeting; 4. The Board reviews the plans and conditions on**
25 **October 11 to decide if a further extension is warranted. Motion carried, role**
26 **call vote 5/0.**

27
28 8:46-8:55 .pm. recess

29
30 **7. Projects/Programs**

31 **a) BMP Program—Board Action**

32 Administrator Kill stated that BCWD was awarded a \$62,000 grant to partner with
33 Middle St. Croix WMO and the Stillwater Country Club to install 12 projects in
34 2010-2011. Washington Conservation District is doing the project designs.
35 Installation bids for work at the Stillwater Country Club were about \$20,000 more
36 than estimated because of additional drainage work in area G. This work will result in
37 additional water quality benefits to Brown's Creek. If the District contributes an
38 additional \$20,000, its total cost share will be 38.6 percent of the budget. President
39 Leiser and Manager Johnson recused themselves. Manager Vanzwol chaired this
40 portion of the meeting. Manager Taillon stated that should would participate in
41 discussion and vote because she is neither a contractor nor a supplier for this project.

42
43 **Manager Vanzwol moved, seconded by Manager Pundsack, to invest \$20,000 in**
44 **the Stillwater County Club BMP cost share project by reallocating \$20,000 to**
45 **account 947-0001 as follows: \$3,123.27 from account 940-0000 and \$16,876.73**
46 **from 914-0000 . Motion carried, vote 3/0/2. Managers Leiser and Johnson**
47 **abstained.**

1
2 **b) Grant Preparation – Update/Board Action**

3 Ms. Correll reported that last month the Board approved a preliminary scope to
4 develop an SSTEMP Model to quantify the thermal impact of installing a buffer
5 along Brown’s Creek in the Oak Glen Golf Course. She outlined tasks completed and
6 proposed a scope for the remaining tasks.
7

8 **Manager Vanzwol moved, seconded by Manager Pundsack, to authorize up to**
9 **\$2,106 for completion of the SSTEMP Model development from account 912-**
10 **0000. Motion carried, vote 5/0.**

11
12 **c) Brown’s Creek Implementation Projects**

13 **i. Browns’ Creek Temperature Monitoring—Board Action**

14 Ms. Correll reported that the springshed groundwater investigation, conducted by
15 the University of Minnesota for the District, is completed and the loggers are
16 available. She recommended using the loggers for additional temperature
17 monitoring at six sites—one at the Mendel wetland and five downstream of the
18 diversion structure. The loggers could be installed in early August, with monthly
19 readings through October.
20

21 **President Leiser moved, seconded by Manager Johnson, to approve the**
22 **additional temperature monitoring and the Oak Glen Pond survey for up to**
23 **\$6,496 from account 937-0000. Motion carried, vote 5/0.**

24
25 **ii. Oak Glen Pond Survey—Board Action**

26 See above.
27

28 **8. New Business**

29 **a) Former Jackson WMA Property – Update/Possible Board Action**

30 Administrator Kill reported the Department of Natural Resources (DNR) has not
31 established a minimum bid for the 28.16 acres of the 31.14-acre Jackson site the DNR
32 plans to sell. She notified the DNR that the District is still interested, as outlined in a
33 February 10, 2009 letter. The City of Stillwater is not interested in bidding, has
34 zoned the area as open space and would be open to having the District manage the
35 area, if the District wins the bid.
36

37 **President Leiser moved, seconded by Manager Vanzwol, to authorize the**
38 **Administrator to work with the Department of Natural Resources to determine**
39 **the minimum bid, with urgency to allow the District to budget for the purchase**
40 **of the Jackson WMA property, based on the following: 1. The City of**
41 **Stillwater’s designation of the land as open space, making the land**
42 **undevelopable, 2. The rare orchids on the site; 3. The District’s status as a**
43 **public entity and 4. The District’s continued interest as stated in an earlier**
44 **correspondence. Motion carried, vote 5/0.**
45

46 **b) Clean Water and Climate Adaptation Summit—Board Action**

1 **Manager Vanzwol moved, seconded by Manager Johnson, to authorize \$120 in**
2 **registration fees for any manager, the Administrator and one member of the**
3 **CAC planning to attend the Clean Water and Climate Adaptation Summit from**
4 **account 200-4265. Motion carried, vote 5/0.**
5

6 **c) 2011 Budget—Next Steps**

7 President Leiser noted that the Board received comments on the budget from the
8 Citizen Advisory Committee and did not hear any necessary changes to the proposed
9 budget. Legal Counsel stated that a meeting to discuss the budget must be open to the
10 public, while a meeting to discuss staff can be closed. Manager Pundsack volunteered
11 to discuss the administrator's compensation being put on a par with other watershed
12 district administrators with Jay Riggs.

13
14 **Manager Vanzwol moved, seconded by Manager Taillon, to approve the**
15 **preliminary budget as presented this evening for the purposes of public notice**
16 **and the public hearing to be held during the regular Board meeting on**
17 **September 13, 2010. Motion carried, vote 5/0.**
18

19 **d) Hydrologic & Hydraulic Model Update**

20 **President Leiser moved, seconded by Manager Vanzwol, to approve up to \$1,000**
21 **for additional hydrologic and hydraulic model investigation in the McKusick**
22 **drainage area, from account 923-0000. Motion carried, vote 5/0.**
23

24 **9. Discussion Agenda – No Action Required**

25 **a) Administrator Updates**

26 Administrator Kill reported that she will be on vacation for two weeks, but will post
27 the budget hearing notice before she leaves. She also reported the following:
28

29 **• Fen Breach Repair**

30 The proposal to fix the fen trolley line was approved by the City of Grant.
31

32 **• CWF 2011 Grant Application**

33 Pete Mogren of Oak Glen Golf Course is concerned about planting with willow
34 stakes. The District will work with him on the planting plan.
35

36 **• BWSR Clean Water Fund Grant Stillwater Country Club**

37 The Country Club board meets this evening and intends to select a contractor.
38

39 **• Fish Baffles—Hwy 96 & 95 Culverts**

40 At a meeting with the Minnesota Department of Transportation (MnDOT) and
41 EOR, MnDot indicated that the information EOR provided is adequate. A
42 dewatering permit will probably be needed and Molly Shodeen (DNR) is being
43 contacted for input. A permit for culvert work might be needed. The intent is to
44 have all permits ready so work can be completed before the spawning season in
45 September 2011.
46

47 **b) Communications & Manager Reports**

1 There were no reports.

2

3 **c) September 2010 BCWD Board Agenda**

4 There were no agenda items suggested.

5

6 **10. Adjournment**

7 **Manager Johnson moved, seconded by Manager Vanzwol, to adjourn at 9:55 PM.**

8 **Motion carried, vote 5/0.**

9

10 Respectfully Submitted by

11 Debbie Meister, Recorder