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3 **Minutes of the Regular Meeting of the Brown's Creek Watershed District Board of**
4 **Managers, September 12, 2011**

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

APPROVED

8
9 **ROLL CALL**

Managers Present:	Others Present:
Craig Leiser, President	Karen Kill, Administrator
Rick Vanzwol, Vice-President	Debbie Meister, Recorder
Gail Pundsack, Vice-President	Chuck Holtman, Legal Counsel
Gerald Johnson, Secretary	Camilla Correll, EOR
Connie Taillon, Treasurer	Ryan Fleming, EOR
	Kevin Biehn, EOR

10
11 **1. Call Regular Meeting to Order**

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

13
14 **2. Approve Regular Meeting Agenda and Discussion**

15 Added Stillwater Country Club Repairs as item 6e.

16 **Manager Johnson moved, seconded by Manager Taillon, to approve the Regular**
17 **Meeting and discussion agenda as amended. Motion carried, vote 5/0.**

18
19 **3. Public Comments**

20 There were no public comments.

21
22 **4. Approve Board Meeting Minutes**

23 **a) August 8, 2011 Regular Meeting—Board Action**

24 **Manager Vanzwol moved, seconded by Manager Pundsack, to approve the**
25 **August 8, 2011 Regular Meeting minutes as amended. Motion carried, vote 5/0.**

26
27 **b) August 22, 2011 Special Meeting—Projects—Board Action**

28 **Manager Johnson moved, seconded by Manager Vanzwol, to approve the**
29 **August 22, 2011 Special Meeting minutes as amended. Motion carried, vote**
30 **4/0/1. Manager Taillon abstained.**

- 1 c) **August 22, 2011 Special—2012 Budget Workshop—Board Action**
2 **President Leiser moved, seconded by Manager Vanzwol, to table the Special**
3 **Budget Workshop Meeting minutes. Motion Carried, vote 4/0/1. Manager**
4 **Taillon abstained.**
5
6

7 **5. Treasurer's Report**

8 a) **Review Authorized Funds Spreadsheet**

9 Administrator Kill presented the updated spreadsheet.
10

11 **Manager Vanzwol moved, seconded by Manager Johnson, to accept the**
12 **September 12, 2011 spreadsheet report. Motion carried, vote 5/0.**
13

14 b) **Permit Fee Statements Review**

15 Manager Vanzwol noted outstanding balances of over \$1,000 on several permits.
16 Administrator Kill stated that most of these are from one builder who applies under
17 different names and generally refuses to get a District permit. The District can order
18 a cease and desist. Discussion focused on working with LGUs to provide regular
19 erosion inspections and enforcement on small single lots with the goals of preventing
20 sediments from getting into water bodies and eliminating duplicate inspections.
21 Administrator Kill will discuss this approach with the City of Lake Elmo. President
22 Leiser and Manager Vanzwol volunteered to work with Administrator Kill, and with
23 legal counsel review, to develop a memorandum of understanding with the City for
24 erosion control inspection for single lot development.
25

26 **President Leiser moved, seconded by Manager Vanzwol, to approve the**
27 **September 5, 2011 Permit Fee Statement. Motion carried, vote 5/0.**
28

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

30 **Manager Taillon moved, seconded by Vanzwol, to approve the current items**
31 **payable in the amount of \$84,374.38. Motion carried, roll call vote 5/0.**
32

33 **6. Projects/Programs**

34 a) **Oak Glen**

35 a. **Final Plans**

36 Kevin Biehn stated that he and Administrator Kill have worked hard with
37 stakeholders to ensure the project meets everyone's needs including thermal
38 protection and habitat improvement. He presented the estimated budget and
39 outlined the bidding process and contract terms. Bidders will receive the item
40 descriptions without the estimated unit prices. There is a mandatory prebid
41 meeting. The golf course, at its option, can restrict equipment from playable
42 areas on a maximum of four days during construction. The proposed start date is
43 October 31, 2011.
44

45 Equipment must be removed before spring play. Planting by hand labor and
46 with the use of golf carts will occur in spring. All vegetation has a two-year

1 warranty. All work must be completed by June 15, 2012. EOR will oversee the
2 project, provide reports to Administrator Kill and bring issues to the District for
3 Board/Administrator's review.
4

5 **b. Approve Bid Letting and Agreement with Oak Glen –Board Action**

6 **Manager Vanzwol moved, seconded by Manager Johnson, to approve the**
7 **agreement and easement with Oak Glen Golf Course for the BCWD Oak**
8 **Glen Golf Course Stream and Buffer Improvements. Motion carried, vote**
9 **5/0.**

10
11 **Manager Vanzwol moved, seconded by Manager Johnson, to approve the**
12 **plans for the BCWD Oak Glen Golf Course Stream and Buffer**
13 **Improvements. Motion carried, vote 5/0.**

14
15 **President Leiser moved, seconded by Manager Johnson, to approve the bid**
16 **letting for the BCWD Oak Glen Golf Course Stream and Buffer**
17 **Improvements. Motion carried, vote 5/0.**
18

19 **b) H&H Model 2011 Updates Scope—Board Action**

20 Mr. Fleming reported that the scope of work was tabled at the last meeting and has
21 been modified to reflect the Board's August discussion. He noted that the current
22 H&H model does not have a lot of detail on the proposed Brown's Creek Trail.
23 While walking the proposed trail, a lot of structures were found and some might
24 need to be replaced. A structure survey is included in the scope of work.
25 Administrator Kill stated that \$18,500 of funding could come from budget line item
26 923-000 and/or \$20,253 from contingency. Both accounts are assumed to have no
27 carryover. She also stated that the Department of Natural Resources (DNR) has not
28 yet provided information about its possible plans and timeframe for completing
29 modeling of the trail area. Discussion focused on the timeliness and priority need
30 for the trail survey and modeling, while the other work items (1-9) are not as time
31 sensitive. Administrator Kill will present budget options for the scope of work in
32 December.
33

34 **Manager Vanzwol moved, seconded by Manager Pundsack, to authorize scope**
35 **of work item 10a Brown's Creek Trail Structure Survey not to exceed \$10,000**
36 **and item 10b Brown's Creek Trail Modeling not to exceed \$6,400 from budget**
37 **item 923-0000 pending a survey-modeling decision by the Department of**
38 **Natural Resources. Motion carried 5/0.**
39

40 **c) BMP Projects –Board Action**

41 Manager Taillon recused herself from discussion and voting on the projects.
42 Administrator Kill clarified that the Pine Hollow raingardens BMP agreement is
43 with the HOA and not with individual homeowners.
44

1 **Manager Johnson moved, seconded by Manager Vanzwol, to approve the BMP**
2 **Pine Hollow HOA cost share not to exceed \$2,500 from budget item 914-0000.**
3 **Motion carried 4/0/1. Manager Taillon abstained.**
4

5 **Manager Johnson moved, seconded by Manager Vanzwol, to approve the**
6 **Cook BMP cost share not to exceed \$2,315 from budget item 914-0000. Motion**
7 **carried 4/0/1. Manager Taillon abstained.**
8

9 Administrator Kill confirmed that Long Lake Villas and Community Thread are
10 required to maintain the BMPs and the training is to help them understand what is
11 needed.
12

13 **Manager Vanzwol moved, seconded by Manager Johnson, to authorize hiring**
14 **MCC for one day of BMP maintenance and training at Long Lake Villas and**
15 **the Community Thread not to exceed \$975 from budget item 914-0000. Motion**
16 **carried 5/0.**
17

18 **Manager Pundsack moved, seconded by Manager Johnson, to approve the**
19 **purchase and installation of the rainguardian for the Boettcher BMP cost**
20 **share not to exceed \$1,500 from budget item 914-0000. Motion carried, vote 5/0.**
21

22 Administrator Kill stated that this will be a good pilot project to help evaluate the
23 rainguardian. The rainguardian could be included in a grant proposal for curb cuts
24 and raingardens and be required in future designs. President Leiser stated that there
25 is about \$15,000 left in account 914-0000, which could be used for the H&H
26 project.
27

28 **d) Brown's Creek Implementation Plan**

29 **i. Stakeholder Meeting**

30 Administrator Kill summarized the September 1 stakeholder meeting. The
31 District presented proposed water quality and quantity projects that fit in with the
32 level of funding outlined in the 10-year management plan, LGU projects and
33 contributions directly related to their stormwater systems, the adaptive
34 management approach and the verbal agreement with the DNR and Minnesota
35 Pollution Control Agency for fish and macroinvertebrate surveys.
36

37 **ii. Open House September 21st 4-7 at Family Means---Board Action**

38 Administrator Kill reported that the District at large will be invited with additional
39 outreach to creek residents before the plan is completed. Suggestions for
40 presentation topics included a summary of what is wrong with the creek,
41 biological monitoring, improvements made over the last 10 years, protection
42 opportunities in conjunction with the proposed trail and additional approaches to
43 improve the creek. Administrator Kill asked if a raffle of native trees or
44 something of mutual benefit could be provided to help encourage meeting
45 attendance.
46

1 **President Leiser moved, seconded by Manager Vanzwol, to authorize the**
2 **Administrator to select a raffle prize of native tree bundles from Washington**
3 **Conservation District and/or a gift certificate from a native plant nursery not**
4 **to exceed five bundles or the equivalent. Motion carried, vote 4/0/1. Manager**
5 **Taillon abstained.**
6

7 e) **Stillwater Country Club**

8 Administrator Kill reported that the Board authorized up to \$11,000 for repairs at the
9 country club, but the contractor bid was \$13,850 because of the difficulty of
10 accessing the site. The difference is being requested.
11

12 **President Leiser moved, seconded by Manager Vanzwol, to increase payment**
13 **authorization by \$2,850 for Stillwater Country Club maintenance and repair**
14 **with the transfer of \$2,850 from budget item 947-0002 to item 947-0001. Motion**
15 **carried, vote 5/0.**
16

17 *Recess at 8:39-8:52 PM*
18

19 7. **August 22, 2011 Special Meeting Minutes—2012 Budget Workshop—Board Action**

20 The following amendment to the Special Meeting minutes was proposed:

21 “the District needs to be prepared to partner with the DNR regarding Brown's Creek Trail
22 development and take this window of opportunity to

- 23 1) be involved in the planning process and assist the DNR in the development of
24 stormwater BMPs and erosion and sediment control practices in a very sensitive (high)
25 priority setting;
- 26 2) provide input on protection and restoration strategies used during and post
27 construction of the trail; and
- 28 3) implement projects already identified by the BCWD (TMDL Implementation Plan)
29 that make sense to conduct in conjunction with trail development.
30

31 **Manager Johnson moved, second by Manager Vanzwol, to approve the changes and**
32 **incorporate them into the Special Meeting minutes. Motion carried, vote 4/0/1.**
33 **Manager Taillon abstained.**
34

35 8. **Public Hearing –Proposed 2012 Budget and Levy**

36 President Leiser declared the Regular Meeting in recess for the Public Hearing at 8:53
37 PM to discuss and pass the proposed budget and levy to be presented to the County
38 Commissioners. He noted that the meeting is being recorded.
39

40 a) **2012 Budget Discussion**

41 President Leiser stated that there is a unique window of opportunity to coordinate
42 activities to contain runoff during construction of the Brown's Creek Trail. Administrator
43 Kill was asked to reprioritize the budget to include this work and noted with this change
44 the proposed budget differs from the budget presented at the original budget hearing.
45 President Leiser noted that no one from the public was in attendance, though the meeting
46 was noticed.

1
2 President Leiser closed the public hearing at 8:58 PM.
3

4 **b) Resolution No. 11-07 2012 Budget Resolution**

5 **Manager Vanzwol moved, seconded by Manager Taillon, to adopt Resolution**
6 **No. 11-07 as presented. Motion carried, roll call vote 5/0.**
7

8 **c) Resolution No. 11-08 Certified Tax Levy**

9 **Manager Vanzwol moved, seconded by Manager Taillon, to adopt Resolution**
10 **No. 11-08 as presented. Motion carried, roll call vote 5/0.**
11

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

13 **a) Administrator Updates**

14 Administrator Kill reported the following:
15

16 **i. Permit Updates**

17 Permits are generally looking good.
18

19 **ii. Joint Stillwater/MSCWMO Meeting Schedule**

20 The City of Stillwater expressed interest in meeting in October or November.
21 Expecting more information about the Brown's Creek Trail by November,
22 Administrator Kill suggested meeting on November 1 at 4:30-6:00 pm.
23

24 **iii. Settler's Glen 5th Addition Iron Enhanced Sand Filter**

25 Administrator Kill, Ryan Fleming (EOR), the City of Stillwater staff and DNR
26 fishery staff met to discuss the proposed project. Comments were taken and
27 will be incorporated into the design. The City is interested in the long term
28 maintenance and operations plan. All were generally supportive of the project.
29 Both the iron fillings and the pump costs are higher than initially estimated. A
30 clean water fund grant will be applied for to help fund the project.
31

32 **iv. BWSR Grants**

33 Grants are due next Tuesday. Plans are to submit an application for the iron
34 enhanced sand project and the North Marketplace raingardens.
35

36 **v. Fish Baffles**

37 The DNR and Minnesota Department of Transportation have granted project
38 extensions through September 30. Another extension is possible.
39

40 **vi. Trolley Line Repair**

41 The project was completed this spring and recent field visit photos show that the
42 vegetation has become established.
43

44 **vii. SAFL Tour**

45 Manager Vanzwol, Cecilio Olivier (EOR), CAC members, another resident and
46 Administrator Kill attended an impressive tour of SAFL.

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viii. Brown's Creek Water Level

A resident reported that the creek had been running high and muddy. WCD staff reported that the monitoring sampler was triggered by the change in elevation. It is likely that a beaver dam broke or was removed. This will be discussed at the Open House and residents will be asked to be vigilant.

ix. MAWD Resolutions & Awards

President Leiser stated that the Water Roundtable will be developing legislative issues that might be potential resolutions. No projects were recommended for submittal for awards.

b) Communications & Manager Reports

Manager Taillon reported that a native plant sale sponsored by Wild Ones will be held at the Washington County Fair Grounds on September 17 at 10 am-2 pm. President Leiser reported a new technology he saw in Germany. Instead of locks and dams, a river crossing a river at different elevations was constructed and has been in operation for over a year.

c) October 2011 BCWD Board Agenda

- 10. Adjournment**
Manager Johnson moved, seconded by President Leiser, to adjourn the Regular Meeting at 9:27 PM. Motion carried, vote 5/0.

Respectfully Submitted by
Debbie Meister, Recorder