



BROWN'S CREEK WATERSHED DISTRICT

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**Minutes of the Regular Meeting of the Brown's Creek Watershed District Board of Managers,
March 25, 2002**

**Washington SWCD Offices
1825 Curve Crest Boulevard
Stillwater, MN**

APPROVED

ROLL CALL

Present: Craig Leiser, President
Barbara Medinger
Ned Gordon, Treasurer
Tim Freeman, Secretary

Others Present: Mark Doneux, SWCD,
Administrator
Louis Smith, Legal Counsel,
Smith Parker, P.L.L.P.
Mitch Johnson, EOR
Pat Conrad, EOR
Camilla Correll, EOR
Cecilio Olivier, EOR
Jason Moeckel, DNR
Dale Borash, VBWD
John Hanson, Barr Engineering
Dave Buchek, VBWD
Klayton Eckles

Absent: Karen Kilberg, Vice President

Call to Order

Meeting was called to order at 6:33P.M.

Approval of Agenda

The following items will be added to the agenda. Add to Old Business – Draft Petition to do boundary change with Valley Branch; add under Project Review - Discussion communicating to county assessor existing and proposed changes to flood plains because of THPP and Kismet; New Business - Invasive Species Control, purple loosestrife in particular; NPDES 2 discussion – Louis Smith.

Manager Freeman moved, seconded by Manager Gordon to approve the amended agenda. 4/0/1.

Approval of Minutes for February 25th and March 11th, 2002 meetings.

The minutes for February 25 will have to be approved at a meeting with Manager Kilberg, Manager Leiser and Manager Medinger present, as they were at the meeting in question.

Manager Gordon moved to approve the amended minutes for March 11 2002, seconded by Manager Freeman. 4/0/1.

Treasurer's Report – Ned Gordon

Manager Gordon passed out a list of payables and moved to pay these account payables in the amount of \$50,709.39, seconded by Manager Freeman. 4/0/1.

Manager Gordon passed out a report for the year to date budget. The budget is running close to his estimates, with approximately \$26,000 a month available between now and July. The only uncollected funds are the remaining 5% on the THPP. Mark Doneux was requested to ask BWSR for these funds.

Rules/Permits

a) Sunnybrook Lake Update and Discussion

Manager Leiser initiated the discussion and introduced Dave Buchek, VBWD Manager, who thanked the BCWD for letting them present their data and report on Sunnybrook Lake. Sunnybrook is a landlocked lake in the southwestern corner of Grant City that has been flooding for a long time. The Indian Hills Golf Course is attempting to put in another 18 holes. This presents a unique opportunity to join with the golf course and put in an infiltration system to alleviate the flooding. John Hanson, Barr Engineering presented a detailed and inclusive report on the Draft Sunnybrook Lake Flood Relief Feasibility Study. VBWD has accepted responsibility for solving this flooding problem and maintaining the system even though the building was done before VBWD was in existence. The seven alternatives presented to solve the flooding problems were drainage to the south, buyout, flood proofing, or Option 6. The most beneficial scenario promotes groundwater recharge, resolves problem locally, is an ecologically friendly approach, meets goals of the Water Governance Study, and reduces flood levels. The VBWD can improve buffer for overflow in Grant by planting deep-rooted native plants. They would implement an Operations & Maintenance plan similar to THPP's, paying for a technical review, and discussing stormwater techniques with City of Stillwater. The VBWD feels they could save a lot of money for the taxpayers if they can work with the Indian Hills Golf Course.

The VBWD system would include some piping and pumping to force the water to flow toward the infiltration basin and potentially some additional piping and pumping to connect at the eastern end to a tributary of Brown's Creek for excessive demand situations. At the commencement of the discussion, Manager Leiser stated that the willingness of the BCWD to participate in the solution was based on the criteria that no cost or charges would be paid by taxpayers in the BCWD. He also stated that the proposed solution must be the most technically and economically feasible of potential options. Manager Freeman asked if there would be any advantage for the homeowners to have flood insurance. This would be a trigger to notify new owners of the possibility of flooding. Who is going to take care of monitoring the flooding? The infiltration basin and some of this work would be done in BCWD. The emergency overflow would flow through the BCWD so they need the BCWD's cooperation.

Manager Medinger asked about Keats Avenue. Will there still be times when it is flooded? John responded yes, there would be times when it is flooded, but it will not be flooded for as long a period of time as in the past.

Manager Freeman - I want to be sure that EOR have an opportunity to review the model and be able to answer our questions about this project. I am supportive of this kind of project. If there is a flooding problem, then we should use the most efficient methods available. We should not

be hindered by the watershed boundaries. This is a VBWD project. I feel that VBWD should be willing to pay for our engineers review and any costs to the BCWD.

Manager Gordon stated the principal impact of Option 6 is not on the stream itself, but on the McKusick Diversion Project. We need to understand the impacts to our system in general, and on the McKusick diversion system in particular. I am in favor of the project but we need to know more about the impact to our district to ensure that there are no costs imposed on BCWD taxpayers.

Manager Leiser stated that he has always been willing to cooperate and this project is good for the taxpayers of Washington County. You have added a significant amount of infiltration. I share with all due respect, that we have to rely on our engineer to tell us that this system will work. I think it is a project that makes sense, with the least cost to the cumulative person (tax payer) on the street. Manager Gordon: In your presentation, you offered to participate in volume versus rate discussion with Stillwater, and we will probably take you up on your offer. Question from Manager Leiser: Would this mean a sub watershed or overall tax levy. David Buchek responded – “VBWD does have some money to pay for this project and pay for the expenses”.

Manager Freeman asked if Barr Engineering has the 2’ topographic information? John replied no. Manager Freeman asked if it would make sense to work with Barr using this data and share the results. Maybe Barr and EOR could work together to see if any better solutions are available.

Manager Leiser asked Louis if the BCWD should sign an agreement with VBWD to work together. Louis stated that the VBWD legal representative would draw up the cooperative agreement and he would review it. The agreement would have to spell out all of the conditions. Manager Gordon asked Cecilio Olivier to put together a budget estimate for reviewing this project, particularly where the water runs across BCWD area.

Manager Leiser moved that the BCWD would support the proposed joint flood alleviation noting that all applicable legal and statutory requirements are met and the VBWD give specifics as to how much they are willing to pay for our engineering staff to review, and EOR give an estimate as to what BCWD’s share of costs would be. Manager Gordon seconded the motion. 4/0/1

Resolution 02-01 Concurring in Filing of Joint Boundary Change by the BCWD and the Valley Branch Watershed District Within the Cities of Oak Park Heights, Lake Elmo and Grant. Chuck has written and reviewed the resolution and agreed that it is ready for signature. It does not need city or municipal approval. It may take two months for BWSR to approve of this boundary change if there are no conflicts.

Manager Gordon moved to approve Resolution 02-01, seconded by Manager Freeman. 4/0/1
When VBWD has signed the Resolution, Manager Leiser will sign for BCWD.

- b) Oak Park Station – Permit 01-12 - Update
Mark Doneux - nothing to report.

c) Permit Review – Update

We have received the plans for the County 15 turn lanes. The permit application will be reviewed at the April 22 meeting. Also, Indian Hills plans arrived today.

Mark has written to the municipalities about our permitting programs. He is expecting a busy spring.

Watershed Management Plan – Implementation Activities

a) Hydrologic & Hydraulic Update -

Camilla reported that when we received the information on 2' contours from the county that the county had cut off the information at the hydrologic boundaries and that there are a few areas where she needs some additional information. Mark was able to get additional information for us. The county's charge for the 2' contour information came in above the budget because of the sales tax charged. We ordered the paper maps - we would then identify the areas we need and ask for bids if we decide to purchase.

b) Review and approve LCMR proposals

Manager Leiser asked if EOR has prepared proposals for LCMR Grants. Camilla explained that the Buffer and Volume Control studies could qualify for a Local Water Planning Agreement. Camilla suggested writing up a proposal to develop a new methodology to evaluate the effectiveness of current stormwater runoff standards in protecting our streams and cold-water fisheries long-term. A description has been written, but no budget numbers yet. She is looking for potential partners for this project. Jason Moeckel, DNR Fisheries has expressed interest.

LCMR Grant covers the total cost. The BCWD encouraged her to complete and submit this proposal for a Grant. They also encouraged finding more partners for this project.

Jason Moeckel reported on his electroshock fish count program for 2001. 2001 was a warm year so fish count was down. In 1998 the fish count was 300, 1999 and 2000 count was 200, and in 2001 the count is 100. However, he did find a 12" brook trout in the new stream channel through the golf course. Trout Unlimited will be planting willows this spring, which will help shade the stream.

The DNR received an award for their stream project from the Minnesota Erosion Control Board for an outstanding erosion control project.

Project Review and Updates

a) Kismet Basin – Update – Mitch Johnson

Mitch reported that there is no activity at this time. Manager Leiser stated that he has received three requests for the project: 1) Bud Rappa has requested his easement boundaries be identified by stakes, and that 2) additional birch trees planted on his property, and 3) Iona Holsten asked for some information on plantings and seeding around her pond. Pat Conrad will get back to her. Bill Johnson also requested that Mitch and Pat meet with him on the property before the Jay Brothers come back to do the finishing work.

b) Communicating with local assessor – Manager Leiser

The County Tax Assessor gave residents in Goggins/School Section/Plaisted and Kismet areas a reduction in their taxes because of the flooding issue. The BCWD needs to notify the county

and tax assessor when a flooding relief project is completed so the special conditions tax break can be re-evaluated. The suggestion was to allow a full year of operation before stating that the project is working. Manager Leiser suggested that EOR write a letter to the county stating the project has been monitored and is working as planned. Cecilio reminded the BCWD of the report last year that showed how well the THPP project worked with a large snow melt.

Old Business

a) Long Lake/Kern Center Update – Cecilio Olivier

Referring to a memo written to the BCWD by Cecilio and Camilla Correll, Cecilio reviewed the information received from City of Oak Park Heights and Bonestroo Engineering. He concluded that it is possible for the Kern Center pond to meet volume control. Cecilio and Camilla recommended the 42-inch RCP recently installed by the City could be used as an emergency overflow. Manager Freeman congratulated EOR on their timely manner in completing this review. Manager Freeman stated that he felt the property owners could solve the pond problems themselves.

Manager Leiser stated that the BCWD's best interest would be served by not having any water cross Highway 36. If the water does not flow past Highway 36, there would be no reason for Oak Park Heights to have to pay for a proportionate share of the AUAR.

Mark Doneux will write a letter to Oak Park Heights with a response to their report and stating the reasons a BCWD Permit cannot be issued. He will email it to the BCWD for approval.

b) Oak Park Heights City Council meeting attendance – Manager Freeman

Manager Freeman will attend the April 2 Oak Park Heights City Council Meeting to introduce himself as a new liaison from the BCWD to the Oak Park Heights City Council.

c) TSMP Preliminary Review and Discussion - Mark Doneux

Mark stated that he has received additional information from the City of Stillwater on the TSMP. The final design for the TSMP has not been completed. Mark reminded the City that the cooperative agreement signed by Stillwater and the BCWD states the BCWD has the right to review and provide comments on the final design.

d) North Hill Legislation update – Klayton Eckles, Engineer, City of Stillwater

Klayton reviewed the background for this project. A feasibility report on this area showed streets in bad condition, no city water or sewer. The area is located on bedrock with very steep streets and some of the run off from here goes down into Brown's Creek. There are failing septic systems in the area. Most of the homes are on individual wells.

The City is considering alternative storm water treatments to treat runoff before it enters Brown's Creek. House and senate have approved a \$1.3 million bonding amount at this time. It is now in conference committee.

The north hill of Stillwater has urban area environment without urban utilities. We know we have failing septic systems draining to river and creek. He is suggesting putting in holding ponds to divert water away from the stream. Klayton presented the North Hill Proposed Utilities Storm Sewer Plan. Klayton stated that Stillwater originally wanted to have a

demonstration project but not much opportunity here. It is hard to come up with innovative projects and save money at the same time. Money for the homeowners is a major concern. The project is projected to cost about \$50,000 per household.

TSMP and the Mulberry Ravine project. Manager Medinger had attended the last Stillwater City Council meeting at which the project received approval although the council had reserved a decision on the choice of surfacing for the path. Following extensive public comment from many community residents (both from within and outside the neighborhood) all in opposition to an 8-foot wide bituminous surface, the Council agreed to review additional information on alternative surfaces in the next month. Manager Medinger stated she has participated in annual community based ravine clean-up activities and strongly supports the larger community's opposition to a paved path which they deem inappropriate, unnecessary and out of character with the landscape.

Manager Medinger expressed concern that city staff increasingly attach the name of Brown's Creek to projects serving ends other than protection of the resource itself, and that both legislative and public support for real resource protection measures in the future may be jeopardized by this.

There was some discussion about the asphalt path through the ravine. Manager Medinger brought up the issues of invasion of privacy, impact on the environment and sees it as a neighborhood issue. The City is planning to break ground in August-September.

The path is only half the project. Structures that manage entry of water from McKusick, and improve old dike on the northwest side of McKusick Lake are also important parts of this project. The dike needs to be raised. The trail will provide access to diversion structures if McKusick Lake gets too much water. If it gets too much water, it will backwash into the wetland. The final piping and diversion structure at the railroad tracks near Neal should be done by summer of 2003.

Manager Gordon asked Klayton about the approved culvert structure on 72nd Street. Klayton stated that the City has been having meetings with the DNR about the Jackson Wildlife area. The DNR was considering giving this area to the City because it is not big enough for them to work with. Liberty needs a mitigation so the City they would like Liberty to use Jackson Wildlife. DNR wants them to create wetlands in another area. Klayton stated that the 72nd Street drainage is a low priority at this time for the City.

Grant Planning Commission or city council refused the holding pond for Liberty on the west side of Manning Trail in the City of Grant. Also, according to BCWD Rules the landowner had to be permitting holder.

Klayton stated that when Settlers Glen money comes in the City would have about half of the funds needed. One million dollar loan was dedicated towards the \$880,000 project last year up to the ravine

Manager Gordon moved to approve Resolution No. 02-02, Brown's Creek Watershed District Resolution Supporting the City of Stillwater's Brown's Creek Initiative, seconded by Manager Leiser. 4/0/1

Klayton asked the BCWD for support for this project. The BCWD previously has passed a letter of support. Some changes were suggested and incorporated into the Resolution 02-02.

New Business

NPDES II – Louis passed out a WaterBulletin that he and Chuck had prepared. Louis is preparing comments for another watershed and will bring to the next meeting.

Purple Loosestrife Protection - it is a very low impact, low time commitment type of program and Mark feels the BCWD should take some action. Manager Leiser asked Mark to prepare a proposal with costs for dealing with loosestrife. Manager Leiser suggested that the BCWD endorse this project. The natural resources inventory could be used to identify an area of wetland with loosestrife. Manager Medinger asked if the beetles have ever presented a problem. Pat said no, they have been used for years. Manager Medinger asked if volunteers could monitor this project.

Manager Leiser moved to accept and authorize the proposal to allow SWCD to take these steps for the BCWD, seconded by Manager Freeman. 4/0/1

Manager Medinger asked about using high school students for this project.

Communications & Report

Manager Leiser passed out a pamphlet for the “Working Together in a Climate of Change to Manage Minnesota’s Water Resources, April 17-20, 2002 in St. Cloud, Minnesota. Manager Leiser asked for approval to attend the seminar on Friday, April 17. The BCWD authorized him to attend.

Adjournment

Manager Gordon moved to adjourn the meeting, seconded by Manager Freeman

Meeting adjourned at 10:12P.M.

Respectfully Submitted,
Dawn Hilde, Recording Secretary