



# BROWN'S CREEK WATERSHED DISTRICT

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**Minutes of the Regular Meeting of the Brown's Creek Watershed District Board of Managers,  
June 10, 2002**

**Washington SWCD Offices**  
1825 Curve Crest Boulevard  
Stillwater, MN 55082

**APPROVED**

## **ROLL CALL**

Present: Craig Leiser, President  
Karen Kilberg, Vice President  
Ned Gordon, Treasurer  
Barbara Medinger

Others Present: Mark Doneux, SWCD,  
Administrator  
Chuck Holtman, Legal Counsel,  
Smith Parker, P.L.L.P.  
Mitch Johnson, EOR  
Pat Conrad, EOR  
Camilla Correll, EOR  
Cory Slagle, Wash. Co. Dept.  
of Trans.  
Carol Woods, Orlean Terrace  
Homeowners Assoc.  
Paul Bergmann  
Tim Moore, City of Stillwater  
Ross Redmann, Stevens Engineers

Absent: Tim Freeman, Secretary

## **Call to Order:**

The meeting was called to order at 6:35 P.M. Managers Kilberg and Freeman were absent.

## **Approval of Agenda:**

Manager Gordon made a motion to approve the amended agenda, seconded by Manager Medinger.  
3/0 – Motion Passed.

## **Reading of Minutes and Approval:**

Manager Gordon made a motion to approve the amended May 13, 2002 minutes, seconded by Manager Medinger. 3/0 – Motion Passed.

## **Treasurer's Report –Manager Gordon**

Manager Gordon passed out a list of payables and moved to approve payment of these bills, seconded by Manager Medinger. He explained that the \$20,000 bill from Washington County for the groundwater study, which was in our second generation plan, would be paid in two installments, \$10,000 now and \$10,000 next year.

Manager Kilberg arrived at 6:45. 4/0 – Motion Passed.

Manager Gordon will invoice Valley Creek Watershed District (VCWD) for EOR's engineering work for the Sunnybrook Study. Manager Gordon reported we have a balance of \$49,811 in our account.

2000 Audit – Tautges Redpath has completed the 2000 audit. Copies have been sent to BWSR, and DNR Waters and a set will be sent to the Washington County Commissioners. The audit contains two letters - a compliance letter and an opinion of our internal control. There were no instances of noncompliance noted. There was one reportable condition but the final sentence of the letter stated, "we believe none of the reportable conditions are considered a material weakness." The size of our organization makes it impossible to meet their requirements.

Manager Gordon continued to review highlights of the report. Manager Gordon asked for acceptance of this report and the BCWD gave their approval.

The 2001 audit is still in progress. The Peachtree accounting program we purchased has to be somewhat altered to meet government requirements. Manager Gordon asked Tautges Redpath to go ahead with the 2001 audit and he will continue to work on the accounting system.

## **Rules and Permits**

### **a) County Rd. 15<sup>th</sup> and 80<sup>th</sup> Street – Mitch Johnson**

Mitch talked with Cory Slagle about some recent changes to these plans for erosion control. Cory stated the changes on the plans are to use some different erosion control methods, which will not affect the erosion control quality. Mitch suggested that this permit be approved. Manager Kilberg asked when this project would be started. The chosen contractor should be done by October. Manager Kilberg moved to approve Permit 02-05, seconded by Manager Gordon. 4/0, Motion Passed.

### **b) Curve Crest Boulevard Extension 02-06 – Mitch Johnson**

This project is to widen the road and remove some of the pavement. The project covers an area of about 800 ft. Mitch explained that there is no erosion control plan here. Mitch thought it best to bring this back in July for a permit review or to issue a conditional permit. Manager Leiser stated he would like to see final plans for approval. Manager Leiser moved to table the permit application for the next meeting, pending verification that WCA conditions have been met and to see the erosion control drawings before approval, seconded by Manager Gordon. 4/0 – Motion Passed.

c) **Curve Crest Villas - 02-07 – Mitch Johnson**

This development is located in the Marketplace sub watershed. The project is relying on some of the present ponding and runoff being handled by the TSMP. Mark Doneux suggested that the BCWD look at the whole Marketplace situation after this discussion.

Ross Redmann, Stevens Engineers attended the meeting. Mitch stated that in this area if you have 50% or less impervious you do not have to provide any treatment for runoff. After preliminary analysis, Mitch was able to change their ponding to give them three times the original planned storage. They meet the 10-year and 100-year storm event rules. Mitch stated, “with some downstream treatment we can improve on this.” Mitch recommended approving this permit with conditions. The soil boring data indicates good infiltration for this pond. Mr. Redmond has reworked the pond to Mitch’s specifications, has provided soil borings, and meets the phosphorus level of the rules. The pond is too small for volume control but infiltration will help. We can get the infiltration to work with proper excavation, seeding, etc. Manager Kilberg asked about the increased volume that would be coming out of this project. Mitch stated that we could give higher water quality and increased volume or poor water quality with lower volumes. Manager Kilberg asked about the adequacy of the Marketplace ponds. Mark Doneux stated that this project complies with rate control and water quality on site for this project. The letter from the City of Stillwater opens the door to enlarging the two ponds. Chuck Holtman stated that it is not clear that standards will not be met entirely on site. The original proposal relied entirely on the City of Stillwater’s drainage system.

Mark Doneux suggested that this permit application be handled as a single entity and then look at the Marketplace ponding systems for future development. Mark stated that more reviews would be coming before the BCWD with requested conditions because of the once a month meeting schedule.

Mark Doneux asked Mitch if the plans now conform to his suggestions. Mitch replied that there would have to be a maintenance agreement, and documentation that they have the right to use the off-site ponding. Manager Leiser asked Mitch to note on future project reviews if a project is within the Marketplace sub watershed and within the TSMP. Manager Leiser moved to approve a conditional Permit 02-07 for Curve Crest Villas with the following conditions; statement that this project is within the TSMP, fees paid, documentation of right to use the pond, and suggested grading methods. Motion seconded by Manager Gordon. 4/0 – Motion Passed.

Manager Kilberg asked Mark what type of precedence this is setting by giving this permit. Mark suggested writing a letter to the City of Stillwater about the Marketplace ponding. Manager Kilberg moved to send a letter to the City of Stillwater, seconded by Manager Leiser. Manager Leiser requested an addition to the letter stating that the BCWD would like a specific response in letter form from the city stating this project is within Marketplace, TSMP, and the ponds will meet the increased capacity. Manager Gordon asked if the BCWD could study the Marketplace ponding as part of the H & H study? Manager Kilberg accepted the friendly amendment to the motion. 4/0 – Motion Passed.

Manager Gordon asked Mark to do a search for sureties within the BCWD permitting system

Carol Woods from the Orlean Terrace Homeowners Association asked if this development would impact them by creating assessments. Will they be assessed for this project? Manager Leiser replied if the City of Stillwater finds they need more stormwater treatment of NURP ponds there might be some assessments, but there were no presentations from the City of Stillwater indicating this possibility. If residents have any questions about this development the City of Stillwater should be able to answer them

Mark Doneux stated that regional facilities must go through the BCWD for approval. The BCWD should to send a letter to the City of Stillwater and ask what has been changed in the Marketplace ponds and then set up a meeting. The BCWD also needs to look at the water quality through EOR's H & H modeling. Manager Leiser stated that the BCWD is going to hold the City to the approved design. Chuck Holtman stated the BCWD needs a clear communication with the City and what we have determined from this review.

Indian Hills - Mark sent a letter to Mike Regan asking him what he wants us to do. Manager Leiser moved to extend Indian Hills permit application for 60 days pending further action by the City of Grant Council approval of a revised plat, seconded by Manager Gordon. 4/0 – Motion carried.

### **Permit Review – Update**

Virginia Plat – Some building taking place.

Loggers - Some work is being done.

Liberty – Work has started.

New construction - TC Federal – We have exempted this construction and given it back to Valley Branch Watershed District.

### **Watershed Management Plan – Implementation Activities**

a) H & H Update.

Camilla put together a Figure to show what has been done on the H & H to date. Some of the sub watersheds have been subdivided because there are many small landlocked depressions that do not show up on 10' topos. The information Mitch received from City of Stillwater has been included in this Figure.

### **Project Review and Updates**

a) Kismet Basin - Update

Mitch and Pat went out to Kismet and did a walk through. They were responding to a question from Bill Johnson. Mitch will be meeting with the contractor in the near future to discuss final grading. There is still some work to be done at Sterners and the planting.

b) THPP Update

There were some BWSR monies withheld from our grant until the delineation of wetlands was completed. Pat Conrad worked with Jyneen Thatcher on the delineation. We may get more wetland credits because of the increase in wetlands from the project. We also may get partial credit for the buffers that were installed.

The cemetery wetland has developed into some very nice wetland but contains some reed canary. The cemetery association has asked EOR to help them remove the reed canary. Pat stated that he would like to bring up some items for next year to improve the project.

## Old Business

- a) Sunnybrook Lake Project Update (VBWD Meeting)  
Managers Medinger, Freeman, Leiser and Camilla and Cecilio of EOR went to VBWD's last meeting and offered them alternatives to their plan to solve their flooding problems. The BCWD strongly urged them to consider the alternative courses, particularly Option 1. The VBWD accepted the report and John Hanson was very responsive to the report. We showed them how to use Best Management Practices by using infiltration. The City of Grant now has to take the next action. The memo was given to the managers at the meeting. We should send a copy of the report to VBWD with a memo attached. This report was sent to Washington County and to the DNR. When Mike Regan reapplies to the City of Grant then they should receive a copy of this report. A copy should be sent to City of Stillwater also.
  
- b) Long Lake/Kern Center - Work Order 2002-02 Approval & Update  
Mark has included a letter in the packet from Oak Park Heights asking for the BCWD's engineers to prepare a design to for the Kern Center Pond. Work Order 2002-02 is attached. This request includes the statement that there will be no cost to the City of Oak Park Heights for this design. Chuck Holtman questioned Task 3 – Plans and Specifications. He said the BCWD should have some concerns about a capitol project that is not in its Plan. Manager Kilberg asked if the BCWD is going to have to pay for this design. Oak Park Heights originally was going to put up \$500,000 for this project to improve the infrastructure of the pond. The Oak Park Heights engineer suggested using the pond for rate control and passing water under #36 and into Long Lake. Cecilio Olivier, EOR, felt that everything could be contained and controlled in the pond. Discussion on this issue will be held up until Manager Freeman arrives.

Manager Gordon stated we do not have a specific line item for the Kern Center but we do have some funds available. The BCWD has a contingency fund of approximately \$25,000, a \$10,000 fund for project expenses that has not been used and it looks like the Kismet project will come in under budget. Manager Leiser mentioned Manager Freeman thought the material from the bottom of the pond could be sold and used for costs.

Manager Leiser stated that as much water from the south side of #36 should be kept on that side of the highway as possible and not run any to Long Lake. Manager Leiser feels that the first step is to collect data and put together a proposal. The next step would be to create a design. Manager Kilberg stated that Task 5 involves the AUAR's area. Manager Leiser proposed to approve EOR working on Tasks 1 and 2 for up to \$10,000, seconded by Manager Gordon. Chuck Holtman stated if the BCWD goes any further with the plans, you would have a problem because they are not in the plan. Pat Conrad stated that if EOR does only Task 1 and 2 we would not have a product to come back to the BCWD. Pat stated that Cecilio Olivier would insist on EOR doing the construction plans in order to have the project do what we want it to do. Manager

Leiser responded that the BCWD does have a chance to review this project because it is within the watershed boundaries. Motion Passed - 4/0

Manager Gordon asked if anyone remembered from a previous meeting that the BCWD should not touch the culverts under #36? Mitch thought the system could be improved if the BCWD looked at the Carriage Pond and the culverts also. Cecilio had expressed at a previous meeting that the total package was important to make the system work.

Break: 8:52P.M.

Reconvened: 9:00P.M.

- c) TSMP Update  
EOR memo went to Klayton after the last meeting. Mitch was told that the bidding process for this project did not work out. The city will rebid the project. Mitch stated that we were trying to talk to the city about the cold water seeps. Jason Moeckle, DNR Fisheries was very enthusiastic about this project. Some WCCA approval will be needed. This plan has been submitted to the city.
- d) North Hill Legislation Update  
This project was a veto item by the Governor. The project was named Brown's Creek Initiative and Manager Medinger was concerned that this really had nothing much to do with Brown's Creek. Mark stated that in the future before anyone could use the name 'Brown's Creek' for a project not involving the BCWD or that does not directly relate to the environmental protection or enhancement of Brown's Creek must have the BCWD approval.

#### Annual Report

Mark - put on agenda for the next meeting. When audits are completed, the report will be completed.

- e) VBWD/BCWD Joint Boundary Changed- Hearing Date  
Hearing date has been set - July 18. We submitted a joint boundary change between Valley Creek and BCWD. After the hearing, BWSR can make a decision in August.  
We should demonstrate the water flows, which make this a good thing. Boundary change will not be on the books for 2003 levy.
- f) LCMR Proposal Update  
Last Tuesday, we had an opportunity to present the LCMR grant proposal to LCMR committee. Camilla Correll, Cecilio Olivier, Jim Shaffer, Jay Michels, and Manager Gordon attended. Manager Gordon introduced the BCWD and Camilla made the presentation. The presentation went well. The committee requested more budget information. John - suggested that politically your product would stand a better chance if it did not have local flavor of Brown's Creek. This project will be able to be used on any trout stream. Manager Gordon has started a resolution to make the title less regional. Camilla will call John Velin to clarify what he wants. The BCWD had considered using Minnesota in the title, but Camilla informed them that nothing could be changed from the original grant proposal.

- g) Purple Loosestrife update/status  
Last week the SWCD staff went out to Big Marine and collected loosestrife beetles and released them near Goggins Lake.
- h) Met Council - Watershed Outlet Monitoring Program - Grant Agreement Approval  
Mark - last year a Master Agreement was signed. A sub agreement was presented by Mark to the BCWD. Manager Kilberg made a motion to approve the sub agreement, seconded by Manager Gordon. 4/0

Manager Gordon mentioned that at the last BCWD meeting he had mentioned developing a web site for the BCWD. Mark will check it out with Quantum.

### **New Business**

- a) **MAWD Summer Tour - June 27<sup>th</sup>-29<sup>th</sup> - Hosted by South Washington Watershed District**  
Mark – Matt Moore has asked that the THPP be included in the tour. Mark suggested that someone from EOR be on the tour to be able to explain the engineering. The tour will also visit Valley Branch projects.
- b) July 8<sup>th</sup> BCWD Board Agenda  
Mark will not be here in July. July also starts our budget meetings for 2003 budgets. Manager Gordon will prepare for a preliminary look at the budget. Craig would also like to discuss at that time a full time administrator. There was a workshop meeting before the BCWD meeting tonight with Matt Moore and Cliff Aichinger to discuss administrators for watersheds.

### **Communications & Reports**

Water Consortium - meeting last week. Marcey Westrick, EOR, reviewed the Spring Survey in Marine. Camilla reviewed the LCMR proposal. A very detailed discussion took place on rate and volume rules. Jane Harper prepared a comparison of rules from all the local watersheds. Mark will copy and include in the next packet for the managers. Cecilio did a nice job presenting rate control from pre development to development.

### **Adjournment**

Motion made by Manager Gordon to adjourn, seconded by Manager Kilberg. 4/0 – Motion Passed.  
Meeting adjourned at 10:04P.M.

Respectfully Submitted,

Dawn Hilde, Recording Secretary