

**MINUTES OF A SPECIAL MEETING OF THE
BROWNS CREEK WATERSHED DISTRICT
BOARD OF MANAGERS**

October 24, 2002

DRAFT

CALL TO ORDER

A special meeting of the Brown's Creek Watershed District Board of Managers was called to order by President Craig Leiser at 4:45 p.m. at the BCWD offices, 1825 Curve Crest Boulevard, Stillwater, MN.

MANAGERS PRESENT

Craig Leiser, Karen Kilberg and Tim Freeman.

ALSO PRESENT:

Mitch Johnson, Ryan Fleming, Louis Smith, Joe Jablonski, Bill Pritchard, Jay Johnson, Bill Rambow, and Steve Stanum.

Manager Leiser noted that the special meeting had been noticed in order to hold a public hearing on outstanding permit violations for Permit 02-08, Century Power and Equipment; Permit 01-11, Denny Hecker Automotive; Permit 01-02 Oak Park Station; and Permit 00-01 Settlers Glen. Mr. Fleming report that the Century Power and Denny Hecker sites had been brought into compliance as directed on or before October 22. Manager Leiser noted that no further enforcement action would be taken on these two permits.

Oak Park Station, Permit 01-12

Mitch Johnson reviewed the photographs taken at the subject site, and noted that no action had been taken by the Permittee to bring the site into compliance. Mr. Jay Johnson from the City of Oak Park Heights stated to the Board of Managers that he agreed with the conclusion that the site was in need of remedial action, and he agreed with the action plan recommended by BCWD staff. Manager Leiser noted that the specific rule and issue was BCWD Rule 3.2.6 requiring erosion control.

Mr. Steve Stanum appeared before the Board of Managers on behalf of the Goldridge Group, the owner of the Oak Park Station site. He acknowledged the eroded site conditions, but also stated that there was a preexisting drainage ditch at the site which receives drainage from upstream properties, and accordingly the erosion problem at the site is not entirely the result of activity by the Goldridge Group. He did, however, acknowledge responsibility for the silt fence violations.

Mr. Jay Johnson stated that the ditch at the site is a larger problem for more than one property owner, and something needs to be done to stop erosion there. He noted further, however, that if the erosion control measures would have been taken by the Goldridge Group, it would have

prevented a significant amount of the sediment erosion that has occurred. Manager Freeman noted that he had observed the site conditions and noted that he concurred with Mr. Johnson's statement. Mr. Jay Johnson stated that he would recommend participation by the City of Oak Park Heights in funding some portion of the work required to stabilize the ditch. Manager Leiser noted that the BCWD did not have jurisdiction over the City of Oak Park Heights as it relates to enforcement to this permit. Manager Freeman stated that he would personally be willing to communicate with the City of Oak Park Heights to recommend their participation in the long-term solution at the site.

Following discussion, it was moved by Manager Freeman, seconded by Manager Leiser to find that the Goldridge Group was in violation of Rule 3.2.6 and the erosion control conditions of Permit 01-12. Upon vote, the motion carried.

It was moved by Manager Freeman, seconded by Manager Leiser to direct the entry of an Order by the Board of Managers requiring that the Goldridge Group repair silt fences or replace them at a higher elevation so as to provide effective erosion control measures at the site, no later than 4:30 p.m., October 31, 2002, and that if such measures are not taken that the BCWD initiate legal enforcement action in court. Upon vote, the motion carried.

It was moved by Manager Freeman, seconded by Manager Leiser that the Goldridge Group be ordered to excavate the sandbars and deltas formed in the drainage basin, and regrade to return the basin to the state as specified in the grading plan in order to perform correctly as an infiltration/retention area, no later than 4:30 p.m. on January 13, 2003. Upon vote, the motion carried.

It was moved by Manager Leiser, seconded by Manager Freeman to direct the entry of an Order requiring the Goldridge Group to construct riprap stream bank erosion protection in compliance with BCWD Rule 5.4 in the ditch along the full length of the subject parcel, with the ditch regraded to a 20-foot flat bottom trapezoidal shape, and seeded with appropriate seed mix pursuant to MnDOT Standards and Specifications Section 25.75, no later than 4:30 p.m. on December 9, 2002. Upon vote, the motion carried.

It was moved by Manager Leiser, seconded by Manager Freeman that the BCWD communicate to the City of Oak Park Heights, requesting the City's participation and assistance in funding the riprap installation at the site, given that the drainage to the site is not solely the Goldridge Group responsibility. Upon vote, the motion carried.

Mr. Steve Stanum stated that he understood and agreed with the actions taken by the Board of Managers, and hoped that the City of Oak Park Heights would participate in funding some portion of the riprap work. Manager Leiser requested that the BCWD engineering staff be available with the City of Oak Park Heights to help determine a reasonable basis for allocating responsibility and contribution to the cost of the riprap installation.

Settlers Glen Permit Number 00-01

Mr. Bill Pritchard was present along with Mr. Joe Jablonski on behalf of Orin Thompson Land Development. Mr. Pritchard noted that Orin Thompson had recently moved offices, and accordingly did not receive the Notice of Probable Violation sent on September 25 until October 3, and did not receive the Notice of Hearing sent on October 16 until October 23.

Mr. Fleming noted that he had inspected the site and determined that the silt fence had been replaced at Location Number 4 and thereby brought into compliance. Manager Freeman noted that he had inspected the site and determined that some of the locations marked on the map did not appear to be accurate in corresponding to the numbered items. Mr. Freeman stated further that the current excavation and grading activity for development of individual home sites appeared to be causing worse erosion control problems. Manager Leiser noted the policy question of how BCWD rules would be applied to permits for a general subdivision and thereafter to individual lot development. Mr. Pritchard stated that grading activity at individual home sites is an important issue that needs to be addressed.

Following discussion, it was moved by Manager Leiser, seconded by Manager Killberg to find that the Orin Thompson was in violation of BCWD Rule 3.2.6 and the erosion control measures required by Permit Number 00-01, with the exception of item number 4. Upon vote, the motion carried.

It was moved by Manager Freeman, seconded by Manager Kilberg that the Board of Managers order the remedial action requested by the engineer at sites 1 through 3, and 5 through 7 no later than 4:30 p.m. on November 11, 2002, and that failure to bring the site into compliance would result in the initiation of legal enforcement action. Mr. Pritchard stated he agreed with addressing all of the items requested by staff. Upon vote, the motion carried.

Mr. Jay Johnson stated that it should be noted that the development agreements between the City of Oak Park Heights and the developers include as conditions of the agreements watershed district permit compliance, thereby providing a separate means of addressing these issues through the City.

There being no further business, the public hearing and special meeting of the Board of Managers was adjourned at 6:10 p.m.

Respectfully submitted,

Louis N. Smith