



BROWN'S CREEK WATERSHED DISTRICT

1380 W. Frontage Rd., Hwy. 36, Stillwater, MN 55082 Tel: 651-275-1136 Fax: 651-275-1254

Minutes of the Regular Meeting of the Brown's Creek Watershed District Board of Managers,
May 12, 2003.

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

APPROVED

ROLL CALL

Present: Craig Leiser, President
Karen Kilberg, Vice President
Barbara Medinger, Treasurer
Tim Freeman, Secretary
Absent: Gerald Johnson

Others Present: Karen Kill, WCD,
Administrator
Chuck Holtman, Legal Counsel
Smith Parker, P.L.L.P.
Pat Conrad, EOR
Camilla Correll, EOR
Ryan Fleming, EOR
Konrad Koosmann, WCD
Bill Pritchard, Orrin Thompson

1. Call to Order:

The meeting was called to order at 6:30P.M.

2. Approval of Agenda:

Manager Leiser requested the following changes: New Business: add Item E, Flood or water damage reports. Ryan Fleming report moved to follow "Approval of Agenda". Pat Conrad requested adding Kismet Basin as 7c. **Manager Leiser moved to approve these changes to the agenda, seconded by Manager Freeman.** Vote: 4/0

3. Reading of Minutes and Approval:

Manager Medinger moved to approve the amended April 14 meeting minutes, seconded by Manager Freeman. Vote: 4/0

4. Treasurer's Report –Manager Medinger

a) Current Items Payable

The current bank balance is \$41,868.00. Bills to be paid amount to \$38,530.30. The BCWD has a rule not to allow bank balance to go below \$10,000.00. The next disbursement from the County will be July 15, 2003. Karen Kill presented a list of permitting monies not billed. There is \$42,000 in outstanding permitting review fees.

Manager Freeman asked how much of these fees can the BCWD bill? Karen Kill asked Chuck Holtman if the BCWD has been clear enough in our policy that permits might have additional billings for reviews and inspections. Chuck Holtman stated the BCWD has a legal basis to bill for these fees. Manager Leiser suggested withholding the Metro Land Survey, office rent and monitoring fees from the bills to be paid. Manager Leiser stated we should go after the permitting fees vigorously. Manager Freeman stated that any permit applicant should not be surprised to be billed for actual costs of a permit.

Manager Leiser moved to postpone payment to the Metro Land Survey, Washington Conservation District rent and monitoring invoices at this time and pay out \$27,662.80, seconded by Manager Freeman. The motion was amended by Manager Leiser to also withhold payment to Washington County for sales tax for 2 foot contours, totaling payment of \$26,050.80, seconded by Manager Freeman.

Vote: 4/0

5. Rules and Permits

a) **Settler's Glen 3rd Addition #03-03 – Board Action**

Pat Conrad, EOR, gave an overview of Mitch Johnson's permit review for the 3rd Addition, Settler's Glen. Mitch Johnson made some recommendations in his memo and Bill Pritchard from Orrin Thompson Homes did not feel he would have any problems fulfilling these requirements. Bill Pritchard asked about the Declaration of Maintenance included in the recommended conditions. The Declaration of Maintenance is always recorded. Information was sent to the engineer for this development.

There was some discussion on additions to the BCWD rules to include expectations from homeowners and developers after developer has finished their work. In the case of Settler's Glen the properties will be turned over to a homeowner's association after the developer has completed his work. Bill Pritchard stated he felt that the developer is responsible for streets, etc., until all the homes in the development are built. The BCWD decided it is important to determine where the developers work is completed and then if we need to permit the single-family homebuilder.

Should we be renewing Letters of Credit if projects take more than a year to complete? Bill Pritchard asked for clarification as to what the BCWD expectations are for the future. We need to tighten up our rules to cover homeowners and homebuilders after the developer has finished their work. Chuck Holtman - we do have jurisdiction over single home construction in our erosion rules. The BCWD must define where the developers work ends and when to permit single-family homes. Bill Pritchard found the permit conditions acceptable. He asked that any bills charged against the permit fees include descriptions of work and dates. **Manager Leiser moved to approve Permit #03-03 with additional conditions, seconded by Manager Freeman.** Vote: 4/0.

b) **Permit Fee Resolution & Fee Schedule – Board Action**

Karen Kill presented Resolution 03-03 – “Establishing Policy Regarding Permit Fees and Sureties” in her memo with suggestions and comments from Chuck Holtman and herself. Karen Kill has prepared spreadsheets for each permit. A brief description of

each charge against the permit fee will be provided to the permit holder. The spreadsheet will also include Letters of Credit expiration date. The Surety can be cash, Letter of Credit or Performance Bond.

Karen Kill discussed her suggestions for fee increases. In the past sureties have been used for inspection and compliance in addition to permit application fee escrow. Surety bond amounts should be raised as per memo.

The Surety is to insure that there is money available to restore site or complete the work. Restoration costs about \$1000-1500/acre. Smaller sites are more problematic. Manager Leiser thanked Karen Kill for her thorough job in reviewing the permit billings. Manager Freeman suggested larger developments need a larger deposit. Karen Kill suggested cumulative rates for permitting. There will be no “not to exceed” amount.

After some discussion, **Manager Leiser moved to Adopt schedule A with the following changes, seconded by Manager Kilberg.**

- 1) Insert minimum in front of application fee deposit.
- 2) Item b) remove the word “Commercial”.
- 3) Item d) increased to \$500.
- 4) Item e) remains the same.
- 5) The amount for a) increased to \$1,000 plus \$50/lot greater than 4 lots.
- 6) Item c) deleted
- 7) Bottom text to read : “Amounts from each category will be cumulative”

Chuck Holtman asked if a) applies only when a subdivision is involved. The Board stated that was the case.

Manager Kilberg stated that d) should be phrased more broadly - should apply to any sort of water crossing, water body or ditch for public drainage system.

Manager Leiser moved to accept the additional change to d), seconded by Manager Freeman. Vote: 4/0.

Chuck Holtman suggested in Schedule B adding “Other District Costs – At Cost.”
Manager Freeman moved to accept this change in Schedule B, seconded by Manager Medinger. Vote: 4/0

Chuck Holtman suggested the BCWD look at this Resolution every year.

Manger Kilberg moved to adopt Schedule B as revised, seconded by Manager Freeman. Vote: 4/0

Manager Kilberg needed to leave the meeting. **Manager Freeman moved to pass the Resolution 03-03, seconded by Manager Medinger.** Vote: 4/0

Manager Kilberg left at 8:50P.M.

Manager Leiser moved to accept Schedule C with added notation stating that stormwater facility surety is not required if permittee has met municipal surety requirement that is at least equivalent to the District's, seconded by Manager Freeman. Vote: 4/0

Manager Leiser asked Chuck Holtman and Karen Kill to compose the language for stating individual lot owner in a development will need to be permitted. Chuck Holtman proposed to provide a memo to clarify individual and development responsibility to follow the rules. Chuck Holtman also stated that if after a year, a project is not completed, the BCWD will need another Letter of Credit. The Letter of Credit amount required could be reduced to reflect partial completion.

Permit Fee Deposit will be replacing application fee. **Manager Leiser moved to amend Schedules A, B and C by including "Resolution 03-03" into schedule texts, Schedule B language changed to delete "in certain instances" and throughout all schedules change references to fees to "Permit Fee Deposit", seconded by Manager Medinger.** Vote: 4/0.

6. **Watershed Management Plan – Implementation Activities**

- a) **BCWD Floodplain Mapping Contract with Washington County – Board Action**
Camilla Correll, EOR, stated Ann Terwedo appeared at the last meeting and asked EOR to work on their FEMA project. Cecilio Olivier, Camilla Correll, Karen Kill and Tim Freeman met with the county to discuss the project. There is only one lake, Bass Lake, which is not included in the H & H model. Completion of this job should cost \$4,420.00. The proposal letter should read \$120.00 instead of \$112.00/hour. **Manager Leiser moved to have Chuck Holtman and Karen Kill write a letter of agreement for EOR to do this work for Washington County Zoning and Land Use Department, seconded by Manager Freeman.** Vote: 3/0

Manager Freeman stated he felt that this project would help recoup some of the costs of the H & H. Because the BCWD has completed the H & H study the BCWD will get back better results than any of the other watersheds. Camilla asked if Washington County requests maps can these costs be billed to the County? **Manager Leiser moved the BCWD should add \$1,000 to the total to cover the costs of attorney fees and any and all deliverables, seconded by Manager Freeman.** Vote: 3/0

- b) **BCWD WOMP contract changes – Board Action**
Karen Kill received a letter from Kent Johnson reviewing the budget changes in the WOMP contract. In the year 2003 there will be no changes. In 2004 and 2005 there will be a \$750.00 increase in total cost to the BCWD. **Manager Leiser moved to have Karen Kill write to Met Council and state the BCWD will continue monitoring in 2004 and 2005. Manager Freeman asked to change the wording to BCWD intends to continue WOMP program and seconded motion.** Vote: 3/0

7. **Project Review and Updates**

a) **THPP Repairs – Board Action**

Pat Conrad reported there is water rerouting around the structures. The cost to fix this problem is \$7,000. **Manager Leiser moved to authorize repair of two structures for approximate cost of \$7,000, seconded by Manager Medinger.** Manager Freeman asked why they are leaking. Pat Conrad responded he hoped to find that out when the structures are dug out. Vote: 3/0

b) **Oak Park Station - Permit review update.**

Nothing has been done. Chuck Holtman will write and fax a letter to developer that work must be done by May 15 close of business. The work they must complete is to stabilize the pond and to get rid of sediment. Manager Leiser stated if the work is not completed by May 15 Chuck Holtman should take the next step and go after them for all funds owed.

c) **Kismet Basin**

Pat Conrad checked on the infiltration basins and driveways. The infiltration basins and driveways were completely dried out. Ponds are working very well. Minor repairs need to be made to two driveways, and some dirt placed over culvert near Rappa's. The bid is \$200.00 for the driveways and culvert. **Manager Leiser moved to approve this work not to exceed \$250.00 and authorized EOR to contract for this work, seconded by Manager Medinger.** Vote: 3/0

8. **Old Business**

a) **Hwy 36 Culvert Flow – Update**

Water was flowing down the ditch on the south side of 36. As far as we can tell with our present investigation it was not coming from Bradshaw Property.

b) **Washington County Groundwater Plan – WD Lead Implementation Actions – Board Action.**

Workshop June 9 will cover BCWD rules first, then groundwater study. Stu Grubb will be invited to attend this meeting.

c) **BCWD By-Laws – Board Action**

There was some discussion on the BCWD By-Laws. Some typographical errors were corrected. **Manager Leiser moved to accept the revised Bylaws of BCWD, seconded by Manager Medinger. Motion was amended to state “all officer descriptions include that they can be a signatory to certain instruments and accounts of the District”, seconded by Manager Medinger.** Vote: 3/0

d) **CAC Press Release - Update**

No further progress.

9. **New Business**

a) **Recording Secretary Resignation – Board Action**

Karen Kill will contact some other government entities to see if anyone is interested in the Recording Secretary position. The BCWD authorized Karen Kill to run an ad.

b) MPCA NPDEWS article for website – Board Action

The BCWD has received a form letter from the MPCA asking to include some of their information on our web site. Manager Leiser suggested Karen Kill include this information for 90 days with the note from the MPCA.

c) Special Board Meeting Items – Board Action

Manager Leiser suggested a workshop meeting to go over the Washington County Groundwater Study and Comparative Review of Watershed District Rules and Recommendations for Standardization. The workshop will be at 3:00 PM, before the next BCWD meeting, June 9 to discuss rule revisions and the Washington County Water Consortium Comparative Review of WD Rules.

Future Special Meeting Topics Include:

- Northern Washington County Groundwater Study Presentation by Stu Grubb
- Washington County Groundwater Plan Presentation by Cindy Weckwerth

d) June BCWD Board Agenda

Stu Grubb, EOR, will present on the Washington County Groundwater Study. Liberty Retail needs some silt fence repair - old silt fence in water. Kestrel will be invited to do their presentation in July.

e) Flood or Water Damage Reports – Ryan Fleming

Mr. Fergala asked for help with his flooding problem. He feels the runoff from Bradshaw Development has caused his flooding. Ryan Fleming conducted a field evaluation and also showed pictures of his property east of the Bradshaw construction site. The Bradshaw ponds on north show no indication of overflow and front ponds were flowing out into the culvert. There is a constriction on the 24” culvert on Mr. Fergala’s property. Ryan spoke with Mr. Fergala. Karen Kill will follow up with Mr. Fergala.

10. Adjournment

Manager Leiser moved to adjourn the meeting, seconded by Manager Medinger. The meeting adjourned at 10:25P.M. .

Respectfully Submitted,

Dawn Hilde, Recording Secretary