



# BROWN'S CREEK WATERSHED DISTRICT

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Minutes of the Regular Meeting of the Brown's Creek Watershed District Board of Managers,  
July 14, 2003.

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

APPROVED

## ROLL CALL

**Present:** Craig Leiser, President

Barbara Medinger, Treasurer

Tim Freeman, Secretary

**Absent:** Karen Kilberg, Vice President  
Gerald Johnson

**Others Present:**

Karen Kill, WCD,

Administrator

Chuck Holtman, Legal Counsel

Smith Parker, P.L.L.P.

Cecilio Olivier, EOR

Stu Grubb, EOR

Ryan Fleming, EOR

Jason Moeckel, DNR

Chris Mechan, Wenck

Bill Johnson

Eric Johnson, Oak Park Heights

James McGovern

Robert Brackey

Dan Parker, Westwood

Lee Miller

Dave Fabio

## 1. Call to Order:

The meeting was called to order at 6:40 p.m.

## 2. Approve Agenda and Consent Agenda:

Manager Leiser requested two changes to the agenda: add "Craig DeWolf" as item F. under New Business and switch items 6a and 6b. Manager Leiser moved to approve the agendas as amended, seconded by Manager Freeman. Vote: 3/0

Manager Leiser also asked that the Board hear a brief address from Mr. Bill Johnson. Mr. Johnson described work not completed on his property in conjunction with the Kismet Basin project. Mr. Johnson stated three issues. (1) The stakes delineating the easement on his property have not been installed as promised; (2) the trees that were planted are either dead or unhealthy ; and (3) there are

gullies forming. Manager Leiser added a discussion of Mr. Johnson's property as item G under New Business.

- 3. Northern Washington County Groundwater Study Presentation by Stu Grubb**  
Stu Grubb of EOR presented findings of the Northern Washington County Groundwater Study. A copy of the presentation was distributed to the Board.
- 4. Approve Minutes of June 9, 2003 Special Meeting and the June 9, 2003 Regular Meeting:**  
Managers Leiser and Medinger discussed changes to the Special Meeting minutes. Administrator Kill reported that the Regular Meeting minutes would be distributed electronically during the coming week. Manager Leiser suggested that the Board table approval of the minutes to the next meeting.
- 5. Treasurer's Report**

  - a) Current Items Payable**  
Manager Medinger reported that the current bank balance is \$213,295.70 including the tax levy; items payable total is \$35,982.88, leaving a remaining balance of \$187,312.82. Manager Medinger moved to approve payment of items payable as presented, seconded by Manager Freeman. Roll Call Vote: 3/0

Manager Freeman inquired on collections and suggested pursuing payment for outstanding billings. Administrator Kill stated that she is beginning collection work on the outstanding accounts which total approximately \$25,000 to \$30,000.
- 6. Rules/Permits**

  - a) #03-04 North American Properties Commercial Site - Board Action**  
Cecilio Olivier, EOR, reviewed a maps of pre-development, existing and post development conditions. Olivier added that Camilla Correll has been working on a model for quality and quantity for the area based on post development conditions assuming that property west of Menards and south of Applebees is also developed. The model shows that the concentration of phosphorus would rise from the current level of 130 ppb to 151 ppb when fully developed which is within the guidelines. Olivier also discussed rate control and noted that minor enlargement of the Menards Pond would bring the area into compliance relatively easily. This would have a minimum impact to the land and still comply with the rules under 10 year and 100 year events.

Dan Parks, Engineer for North American Properties, inquired on the status of the approval. Manager Leiser explained that Stillwater and Oak Park Heights are

working on an agreement for per acre fees and participation in the AUAR. Mr. Parks was instructed to comply with the rules currently in place or wait for the agreement to be finalized between Stillwater and Oak Park Heights. Managers Freeman and Medinger stated their preference to enhance the Menards pond and handle water through infiltration rather than allowing the water to flow downstream. Further discussion was held concerning the status of the agreement between the two cities and approval of the application was tabled to the next meeting.

**b) #02-17 Parkwood Lane, Transfer of Ownership - Board Action**

Administrator Kill stated that the Parkwood Lane property had been sold and the Board would need to approve the transfer of ownership on BCWD Permit #02-17. However, this matter may need to be tabled until signatures could be obtained from both Mr. Nolde to Bart Montanari. Discussion tabled to the next Board meeting.

**c) #03-05 Montanari Homes Office Building - Update**

Administrator Kill provided an informational report on the erosion control permit, stating that all conditions have been met and the project is underway.

**d) #01-12 Oak Park Station Enforcement Action - Update**

Chuck Holtman reported that his firm has filed suit against the Goldridge Group requesting outstanding permit fees and legal fees. Once the site had been restored and stabilized and all fees have been paid the suit can be dismissed.

**e) #02-07 Curve Crest Villas NOPV – Administrative Hearing**

“Findings of Fact, Conclusion of Law and Order” were distributed at the meeting. Ryan Fleming, EOR, reported that the silt fence was on site but not installed as of 1:15 p.m. Both the applicant and site manager were notified of the deficiencies and the scheduled hearing but were not present.

Chuck Holtman stated that the matter is not at the level of court filing yet, explaining that more documentation is needed. Ryan Fleming reported that he has monitored the site the past couple of months, has issued correction notices and hand delivered notices to the owner and contractor on July 10 for compliance by noon July 14, 2003.

Manager Leiser moved to issue the “Findings of Fact, Conclusion of Law and Order” against Anchobaypro with a change to item 1 striking the Managers who were not present and indicating that Anchobaypro was not in attendance although notified and aware of the hearing and stating a compliance deadline of Friday, July 18, 2003, 12:00 noon, seconded by Manager Freeman. Vote: 3/0

7. **Watershed Management Plan - Implementation Activities**

**A) BWSR Challenge Grant Extension**

Administrator Kill reported that there is approximately \$10,000 remaining for education and presented suggestions developed with Camilla Correll for use of the funds.

**a) Kern Center Demonstration Signage - Board Action**

Discussion held concerning the proposed interpretive signage for the Kern Center Wetland Project. Managers expressed concern over the wording, diagrams and cost.

Manager Leiser moved to approve \$3,500 for demonstration site signage at the Kern Center project, seconded by Manager Freeman. Vote: 3/0

Manager Leiser moved to amend the motion to appoint Manager Medinger to investigate the cost of the sign. Vote: 3/0

**b) BCWD Rule 2.0 Fact Sheets**

**c) Newsletter/Website**

**d) Watershed Tour - Board Action**

Manager Leiser stated that he would like the Citizens Advisory Committee to be involved with items b, c and d. Manager Medinger indicated that she would be willing to coordinate the CAC.

Manager Freeman moved to proceed with the stormwater management fact sheets, seconded by Manager Medinger. Vote: 3/0

Administrator Kill suggested that a watershed tour would be a great kickoff event for the CAC and would benefit newer Board Members.

Manager Freeman moved to amend the motion to add approval of a watershed tour as a kickoff for the Citizens Advisory Council. Vote: 3/0.

Manager Leiser tabled the newsletter/website.

8. **Project Review and Updates**

**a) THPP - verbal update**

Cecilio Olivier reported that he met with the contractor to discuss outstanding maintenance items such as riprap and grading. The project is expected to be significantly below budget. Manager Leiser reported that he received two resident calls on the project, one from Craig and Marsha DeWolf concerning a tremendous amount of runoff as a result of the County Rd. 15 project to the north. Corey Arkell

also called concerning the infiltration basins behind his home that are not functioning. Ryan Fleming reported that the valve has been opened to correct Mr. Arkell's problem.

**b) Kismet - verbal update**

Manager Leiser stated that the stakes are not in place and most of the trees are dead. Cecilio Olivier verified that the work is planned for the coming weeks to install the stakes. Ryan Fleming reported that the contractor provided a guarantee on the trees and would be contacted for replacement. Manager Leiser also asked that Mitch Johnson contact Bill directly to address the significant washout areas.

**9. Old Business**

**a) Cooperative Effort to Address Long Lake Water Management, Klayton Eckles - Board Action**

Administrator Kill reported that Klayton Eckles has put together a proposal to address Long Lake Flooding. Mr. Eckles stated that the goal is to get the project underway before the ground freezes. The project will include a County Road 12 control structure, improved drainage from 72<sup>nd</sup> Street to County Road 12 and improved flow under 72<sup>nd</sup> Street. Administrator Kill added that the proposed project is in the current budget year and noted anticipated costs and parties responsible for payment.

Manager Leiser moved conditional approval of the proposal from the City of Stillwater provided funds are identified; to authorize the Administrator and Treasurer to identify funds in the 2003 budget for the project; and to direct the Engineer to provide a proposal for involvement in the project, seconded by Manager Freeman.

Vote: 3/0

**b) Highway 36 Culvert Flow Feasibility Study, Camilla Correll, EOR - Update**  
Ryan Fleming, EOR, reported that the Study is being completed.

**c) Rice Property/Grant Application - Board Action**

Manager Leiser provided a brief history of the matter, noting that Washington County has asked for BCWD comments. Federal funds are available with a local match of 25%, or \$18,333 each to be shared by Washington County, City of Hugo and BCWD. Funds would have to be committed this year and paid late this year or early next year. The grant application has passed two preliminary screenings for DEM funding eligibility and at this point the outlook is positive.

Manager Leiser moved to authorize funds from the 2004 budget not to exceed \$18,333.00 to be offset by funds from the DNR or prorata share of the final

disposition. City of Hugo will serve as the grant applicant, adopt conditions drafted by the attorney and will give BCWD an opportunity to discuss the long term disposition of the property. Seconded by Manager Medinger. Vote: 3/0

**d) Washington County Fair Booth Suggestions**

Watershed District maps (aerial photos), a listing of all current projects and an announcement of the watershed district tour on September 6<sup>th</sup> were all suggested for the Washington County Fair Booth.

**10. New Business**

**a) BWSR Local Water Management Grant Support Request - Board Action**

Administrator Kill reviewed a request from Washington County for a letter in support of a county wide monitoring network and centralized data repository. Manager Leiser moved to approve the letter drafted by Cindy Weckwerth of Washington County in support of a county wide monitoring network for his signature, seconded by Manager Medinger. Vote: 3/0

**b) City of Hugo Part II Wellhead Protection Plan Review Request - Board Action**

Manager Leiser directed EOR to authorize the plan on behalf of the watershed district and bring this matter back to the August meeting.

**c) Invitation to Participate in VBWD Issue Identification Workshop**

Administrator Kill reported that she contacted Valley Branch Watershed District to inquire about the due date. Manager Leiser stated that he would observe the process but not participate.

**d) Special Board Meeting Items - Board Action**

**Budget Workshop**

The Budget workshop is planned for July 29<sup>th</sup>, 2003. Manager Leiser reported that he and Administrator Kill will meet with Ned to prepare materials and determine the process, along with Manager Medinger attending as Treasurer.

**Groundwater Topics Including Washington County Groundwater Plan  
Presentation by Cindy Weckwerth**

**e) August BCWD Board Agenda**

Discussion was held concerning access to the meeting after the doors are locked. Administrator Kill stated that she will have suggestions at the next meeting.

**f) Craig DeWolf**

Discussion held during review of item 8a.

**10. Adjournment**

Manager Freeman moved to adjourn the meeting at 10:46 p.m., seconded by Manager Leiser. Vote: 3/0

Respectfully Submitted,

Julie Johnson  
Recording Secretary