



# BROWN'S CREEK WATERSHED DISTRICT

1380 W Frontage Rd, Highway 36, Stillwater, MN 55082 Tel: 651-275-1136 x26 Fax: 651-275-1254

Minutes of the Annual and Regular Meeting of the Brown's Creek Watershed District Board of Managers, December 8, 2003.

Washington County Government Center, 14949 62<sup>nd</sup>  
Street North, Stillwater, MN 55082

**APPROVED**

## ROLL CALL

Present: Craig Leiser, President  
Barbara Medinger, Treasurer  
Gerald Johnson, Secretary  
Ned Gordon

Absent: Karen Kilberg, Vice President

Others Present: Karen Kill, WCD, Administrator  
Louis Smith, Legal Counsel  
Smith Parker, P.L.L.P.  
Cecilio Olivier, EOR  
Camilla Correll, EOR  
Kevin Shoeberg  
Lee Miller  
Don Peterson  
Amanda Goebel  
Angela Anderson

### 1. Call Annual Meeting to Order

President Leiser called the Annual Meeting to order at 6:35 p.m.

#### a) Approve Agenda

#### b) Review of 2003 Activities

President Leiser reviewed a list of 2003 accomplishments and 2004 goals.

Administrator Kill added the website, floodplain mapping and baseline monitoring to the 2003 accomplishments and Cecilio Olivier added Kern Center regional ponding facility design and specs to 2003 accomplishments.

#### c) Approve 2004 Budget and Levy

**Manager Johnson, seconded by Manager Gordon, moved to approve the September tax levy Resolution without change. Vote: 4/0**

### 2. Adjourn Annual Meeting

The annual meeting was adjourned by President Leiser at 6:45 p.m.

### 3. Call to Order

President Leiser called the regular meeting to order at 6:46 p.m.

### 4. Approve Agenda and Discussion Agenda

President Leiser added "Review of MAWD Meeting" as item D under New Business. Manager Gordon added "Treasurer's Report Discussion" under the Treasurer's Report and moved item 8a to the Treasurer's Report.

**Manager Gordon, seconded by Manager Johnson, moved to approve the Agenda as amended. Vote: 4/0**

**5. Approve Minutes of the September 8<sup>th</sup>, October 13<sup>th</sup> and November 17<sup>th</sup> 2003 Regular Meetings**

Manager Medinger requested a change to the September 8, 2003 minutes on Page 5, item 7a, to change the word "easement" to "agreement". **President Leiser, seconded by Manager Johnson, moved to approve the September 8, 2003 minutes as amended. Vote: 3/0/1, Manager Gordon abstained.**

Manager Gordon requested that his letter identifying his conflict of interest be attached to the October 13, 2003 minutes as part of the official record. Manager Medinger requested a change to item 7a, page 2, to reflect that she spoke with Craig DeWolf rather than Marcia. **Manager Gordon, seconded by Manager Johnson, moved to approve the October 13, 2003 minutes as amended. Vote: 4/0**

Manager Medinger requested a change to the November 17, 2003 minutes on page 4, item 6, to add the word "additional" before "expenditures" in the motion. **President Leiser, seconded by Manager Johnson, moved to approve the November 17, 2003 minutes as amended. Vote: 4/0**

**6. a) Current Items Payable**

Manager Medinger reported that the levy was received on December 3<sup>rd</sup> bringing the bank balance to \$206,551.29. **Manager Medinger, seconded by Manager Gordon, moved to approve payables in the amount of \$4,745.54. Roll call vote: 4/0**

**b) Treasurer's Report Discussion**

Manager Gordon discussed listing assets on the balance sheet, inquiring about the monitoring equipment and capital projects being added to the balance sheet to account for depreciation. Administrator Kill stated that she would discuss the issue with the auditors to ensure that the district is in compliance and would determine if the equipment is insured.

**c) Savings account**

Administrator Kill explained that the bank has asked for the Managers to sign forms at the bank for the savings account and update signature cards.

Administrator Kill also explained that the financial statements will be updated to include the reserve account funds and categories will be renamed to match the categories on the budget.

**7. Rules/Permits**

**a) Engwer BCWD Rule Violation**

Administrator Kill reported that a response has been received; it is believed that the home is built on a spring that is causing problems with the deck and sump pump. The homeowners have had repairs completed by a landscape contractor. The managers asked Karen Kill to send an acknowledgement letter to the property owners thanking them for their prompt attention to the issue.

**b) St. Croix River Crossing Scoping Document Review**

Administrator Kill reported on a memo received summarizing the document and its impact on areas within Brown's Creek. No specific plan has been determined. Klayton Eckles warned of the possibility of the pond at Norell/Washington being lost. President Leiser requested Mr. Eckles' assistance in drafting a letter to MNDOT concerning the pond.

**8. Project Review and Updates**

**a) THPP – Craig and Marcia DeWolf Request – Presentation by Kevin Shoeberg on behalf of Craig & Marcia DeWolf**

Kevin Shoeberg reported on progress made toward reaching an agreement between the watershed district and the DeWolfs. Mr. Shoeberg explained concerns over termination rights and the amount of consideration given in exchange for a license from the DeWolfs.

Discussion was held with Managers expressing the need for a permanent agreement to allow water to cross the property unimpeded and also to ensure that the culvert is repaired and maintained. Mr. Shoeberg stressed his clients' desire to keep their options open for future uses of the property while addressing the problem and preserving their access to the entire property. Mr. DeWolf added that the water problem was caused by a project that was constructed without his consent. Mr. DeWolf stated that his main objective is to gain access to a portion of his property that is not currently accessible due to the water flowage. Mr. Shoeberg stated that he would draft an agreement for the district's attorney to review.

**9. Old Business**

**a) Long Lake Management Plan – Modeling Results**

Cecilio Olivier reviewed additional work completed at the request of the Board to examine Long Lake outlets and optimization. Mr. Olivier explained details of the weir to be constructed in place of the control under Highway 12 with the culverts

left in place. Mr. Olivier recommended maintaining the downstream channel and ponds in Jackson Wildlife area after removing sediment down to 886 feet. Yearly inspection and maintenance would be performed to preserve storage capacity. Mr. Olivier also recommended that the City work with Long Lake residents on reasonable and cost effective ways to re-landscape their yards to provide additional freeboard protection for their homes.

Mr. Olivier reviewed modeling results contained in his report for various precipitation events. Don Peterson, a Long Lake resident, stated that he is concerned about flooding and feels that maintenance is a crucial piece.

President Leiser asked Klayton Eckles to review the report and present it to the City for comment to the watershed district prior to the next meeting. President Leiser also suggested that the CAC initiate a project in conjunction with the City of Stillwater to educate citizens on ways to mitigate their risk and asked EOR to prepare cost figures for the January meeting for a dredging project.

Lee Miller stated that the water quality issues are very local, worsened by residential lawn fertilizer and clearing of lily pads.

**b) TSMP Revised Cooperative Agreement**

Administrator Kill reported on her understanding that the language has been finalized and agreed upon. **President Leiser, seconded by Manager Gordon, moved to approve the revised Cooperative Agreement between Brown's Creek Watershed District, Stillwater and Oak Park Heights. Vote: 4/0**

**c) Kern Center Agreement**

Cecilio Olivier reported that the watershed district agreed to complete the design and the City would prepare documents for construction since the City would be paying the cost of construction. Olivier added that he feels the district has fulfilled its obligation.

**President Leiser, seconded by Manager Johnson, moved to authorize the Brown's Creek Watershed District attorney and Administrator to address open issues between the district and Oak Park Heights. Vote: 4/0**

**d) BCWD Boundary Changes between RCWD and BCWD**

Administrator Kill suggested tabling to the next meeting to allow for Rice Creek to review.

e) **Educator Position shared with SWWD & VBWD**

Administrator Kill reported that Valley Branch and South Washington are planning to issue a joint RFP for an Education Position or performance of an educational function as identified in the RFP. The focus of the position would be to create a work plan for information dissemination and other projects. Cost would be approximately \$30,000 per year per district.

Discussion was held concerning interest other districts may have in sharing the cost. President Leiser stated he would talk with Car Mar, Grant, Stillwater and others and report at the next meeting.

10. **New Business**

a) **Long Lake Education Processes**

Discussion held under 9a.

c) **May Township Draft Stormwater Ordinance Review & Comments**

Administrator Kill reviewed comments on the draft ordinance, suggesting development of a stormwater management plan prior to adopting the ordinance. The district's legal counsel comments were incorporated in the memo from Pat Conrad. Administrator Kill will draft a reply.

d) **January BCWD Agenda**

e) **Review of MAWD Meeting**

President Leiser reported on attendance, resolutions passed and other items discussed at the conference. Administrator Kill reported on that budgeting and insurance were discussed at the administrator portion of the conference.

11. **Adjournment**

**Manager Gordon, seconded by Manager Johnson, moved to adjourn at 9:55 p.m.**

**Vote: 4/0**

Respectfully Submitted,

Julie Johnson  
Recording Secretary