



Minutes of the Joint Brown's Creek Watershed District and Stillwater City Council Workshop

July 11, 2017

Stillwater City Hall, 216 North 4th Street, Stillwater, MN 55082

Mayor Kozlowski called the meeting to order at 4:30 p.m.

Present: Mayor Kozlowski, Councilmembers Menikheim (left at 6:35 p.m.), Junker, Weidner and Polehna
Browns Creek Watershed District President Leiser, Secretary Johnson and Manager Maule Miller, Administrator Karen Kill, Camilla Correll - Emmons & Olivier Resources, Inc., Olivia Sparrow, Emmons and Olivier Resources, Inc.

Absent: BCWD Managers Sharon Schwarze and Connie Taillon

Stillwater City Staff present: City Administrator McCarty
City Attorney Magnuson
Police Chief Gannaway
Fire Chief Glaser
Community Development Director Turnblad
Public Works Director Sanders
Finance Director Harrison
City Clerk Ward

OTHER BUSINESS

Workshop with Browns Creek Watershed District - Karen Kill

Browns Creek Watershed District Administrator Karen Kill introduced Olivia Sparrow, Emmons & Olivier Resources, Inc. Ms. Sparrow reviewed the feasibility study done in partnership with City of Stillwater to address drainage and flooding issues east of Marylane Avenue. She explained the drainage issues reported by residents, reviewed existing conditions, and summarized a proposed mitigation strategy. A combination of options is needed according to the study, including: 1) either a pond or a culvert across Macey Way; 2) a new local drainage pathway; and 3) minor grading and clearing to pull the remaining ditch away from the houses. Ms. Sparrow added that estimated costs are around 1/2 million dollars.

Councilmember Junker asked if flooding is due to heavy rains. Ms. Sparrow replied that the warm, wet year, compounded by the construction on Rutherford Station which compacted the soils and increased the runoff, caused the flooding to the backyards.

Councilmember Weidner asked if the flooding is a temporary problem or if it will persist when development is completed. Ms. Sparrow replied that both the pre-development and ultimate conditions models showed there will still be some nuisance flooding, though not reaching the houses, because the rear yards of Browns Creek Preserve are very flat. She added that many residents were unaware how close the drainage easement is to their houses when they purchased their houses.

Councilmember Menikheim asked who will fund the mitigation project. Public Works Director Sanders responded he included some money in next year's capital outlay budget for a funding mechanism. Otherwise, the City could possibly use money from the stormwater utility fund, or levy assessments. Ms. Kill added that there may be some possibilities for clean water grants.

One resident stated that in 40 years, flooding was never an issue until development began on Rutherford Station. He feels Rutherford Station should share the costs for stopping the water flow. Another resident stated she heard stated it could be 10-15 years before Rutherford Station is fully developed.

Councilmember Weidner asked whose responsibility it is to sign off on a drainage plan. Ms. Sparrow replied that the BCWD reviews each development in terms of compliance with all the flood mitigation and rate control rules. Administrator Kill added that the BCWD rules require a two foot separation from a lowest floor elevation to the 100 year high water level. The existing situation is unique because there is an older development sandwiched between new developments. The City oversees land use and approval of the development, and the watershed district looks at how water leaves the site.

Councilmember Weidner asked if the BCWD would help fund the mitigation project.

BCWD President Leiser stated the BCWD has the option to submit a designated project for state funding under the clean water act, but there is no guarantee. If grant money is not available, the BCWD would have to look at its annual funding, its tax levy, and modify its 10 year plan.

A resident explained that in the past, the lot there always had a lot of water. The small culvert that was there handled the water flow from west to east. Developers then built up the road a little higher and started to get ponding on both sides. Water levels kept getting higher, so they pumped it all out which is probably what caused the big problem. She suggested the developer contribute something toward a solution for everyone.

Administrator Kill stated the BCWD is looking for direction from its board and the City to determine if staff should move forward and expend further resources on the mitigation project.

Councilmember Junker stated he feels the project should move forward with the BCWD, the City, and the Rutherford Station developer as well.

Councilmember Weidner asked who would get assessed for the project, if assessments were levied.

City Attorney Magnuson replied that by law, anyone who benefits from the project to the extent that the benefit increases the market value of the parcel in an amount equal to the assessment.

Councilmember Weidner stated he would oppose using assessments to fund the project. Mayor Kozlowski stated he doesn't think the project will boost market values.

Motion by Councilmember Weidner, seconded by Councilmember Polehna, to accept the feasibility study, to work with the BCWD on the grant application, and to direct staff to start looking at funding options. All in favor.

Joint meeting adjourned at 5:25pm and City of Stillwater continued their workshop and regular meeting.