



Approved Minutes of the Regular & Annual Meeting of the  
Brown's Creek Watershed District Board of Managers  
Wednesday January 9, 2019 at 6:30 PM

Family Means, 1875 Northwestern Avenue South, Stillwater, MN 55082

ROLL CALL

Managers Present:	Others Present:
Craig Leiser, President	Karen Kill, Administrator
Sharon Schwarze, Vice President	Carmen Simonet, Recorder
Gerald Johnson, Treasurer	Elizabeth Henley, Smith Partners, BCWD counsel
Anne Maule Miller, Secretary	Camilla Correll, EOR, BCWD engineer
Klayton Eckles	Cameron Blake, BCWD staff
	Emily Johnson, EOR, BCWD engineer
	Ryan Fleming, EOR, BCWD engineer
	Mark Lambert, Summit Management
	Mike Runk, City of Oak Park Heights

1) **Call Regular Meeting to Order @ 6:30 PM**

President Leiser called the Regular Meeting to order at 6:33PM.

2) **Approve Regular Meeting Agenda and Discussion Agenda**

The following items were added to the agenda: permit item 5b) BCWD Permit 18-02 Heifort Hills Estates – Financial Assurance Reduction Request – Board Action; new business items 7b) Request for Special Meeting –Clean Water Fund grant workplan development; and 7c) Request for Special Meeting – implementing next steps from stakeholder meeting.

**Manager Johnson moved, seconded by Manager Maule Miller, to approve the Regular Meeting agenda and discussion agenda as amended. Motion carried, vote 5/0.**

3) **Public Comments**

There were no public comments.

1 4) **Consent Agenda**

2 **Manager Schwarze moved, seconded by Manager Johnson, to approve the consent**  
3 **agenda:**

- 4 • **Approve minutes from December 12, 2018 Regular Meeting as presented.**
- 5 • **Accept the permit fee statement as presented.**
- 6 • **Approve Manager per diem and registration for the MAWD Day at the**  
7 **Capitol, February 20-21<sup>st</sup>, from account 200-4000 (Manager Per Diem and**  
8 **Expense).**
- 9 • **Approve Administrator registration for MAWD Day at the Capitol,**  
10 **February 20-21<sup>st</sup>, from account 200-4265 (Admin Conference Registrations).**

11 **Motion carried, vote 5/0.**

12  
13 5) **Permits**

14 a) **BCWD Permit 17-01 Farms of Grant – Financial Assurance Reduction Request**  
15 **– Board Action**

16 Ryan Fleming, EOR presented the financial assurance reduction request for Farms of  
17 Grant. Approximately 58 percent of the stormwater management, grading, and  
18 restoration work has been completed. A detailed analysis of remaining work and the  
19 formula used to determine the amount of financial assurance was reviewed.

20  
21 The managers discussed having the administrator authorize reductions in financial  
22 assurances on a routine basis, rather than having it be a Board item. President Leiser  
23 asked that this discussion be moved to the review of BCWD's policies during the  
24 annual meeting.

25 **Manager Maule Miller moved, seconded by Manager Schwarze, to authorize the**  
26 **reduction of the financial assurance for permit 17-01 Farms of Grant in the**  
27 **amount of \$46,915, and to authorize the administrator to reduce the turf**  
28 **establishment financial assurance at a rate of \$2,100/acre upon verification that**  
29 **uniform perennial vegetative cover of at least 70 percent has been achieved.**  
30 **Motion carried, vote 5/0.**

31  
32 b) **BCWD Permit 18-02 Heifort Hills Estates – Financial Assurance Reduction**  
33 **Request – Board Action**

34 Ryan Fleming, EOR reported Heifort Hills Estates is requesting a financial assurance  
35 reduction in the amount of \$270,000 based on the construction of approximately 90  
36 percent of the storm sewer system for the project. Based on an analysis of the  
37 remaining work, the district engineer recommends a reduction of \$154,675.

38 **Manager Schwarze moved, seconded by Manager Johnson, to authorize the**  
39 **reduction of the financial assurance for permit 18-02 Heifort Hills Estates in the**  
40 **amount of \$154,675. Motion carried, voted 5/0.**

41  
42 6) **Projects**

43 a) **Diversion Drainage Headcut Repair – Board Action**

44 Administrator Kill reported the district engineer has reviewed this pay request and  
45 recommends payment for the work completed on the diversion drainage headcut  
46 repair.

1 **Manager Johnson moved, seconded by Manager Maule Miller, to approve**  
2 **payment not to exceed \$23,878.25 from 959-0002, 2018 budget (Resource**  
3 **Assessment – Diversion Tribs – Head cut Repair) to Minnesota Native**  
4 **Landscape for pay request #1. Motion carried, vote 5/0.**  
5

6 **b) Draft December 12, 2018 Partner Meeting Report – Distribute for Further**  
7 **Comment**

8 Administrator Kill reported the draft report “Stakeholder Input Summary” of the  
9 December 12, 2018 workshop has been distributed to all meeting participants along  
10 with a request for comments to be sent directly to Jen Kader (jkader@freshwater.org)  
11 by January 18<sup>th</sup>.

12 The managers discussed takeaways from the workshop. The managers thought the  
13 process was great and expressed interest in continuing to work with Freshwater to  
14 prioritize issues and develop the next steps. President Leiser directed the  
15 administrator to contact Freshwater to present the final report at the February  
16 meeting.  
17

18 **c) Stillwater Smart Controller Cost-Share - Discussion**

19 Administrator Kill reported she met with the Stillwater Water Board to discuss  
20 irrigation smart controllers and the potential for a cost-share project to install them on  
21 some of the irrigation systems in Stillwater. They are interested in pursuing it further.  
22 Manager Eckles gave an overview of Woodbury’s irrigation smart control program  
23 highlighting the relatively small cost of the devices and the significant water savings  
24 they have experienced. President Leiser directed the administrator to put together a  
25 cooperative agreement for a cost-share project with the City of Stillwater.  
26

27 **d) Stillwater Country Club Reuse – Verbal Update**

28 Administrator Kill reported on the follow-up meeting with the Stillwater Country  
29 Club. The feasibility analysis and the different options to capture and reuse  
30 stormwater for irrigation were presented. They are interested in partnering with  
31 BCWD to do a cost match for a potential grant and are particularly interested in the  
32 regional option. Another meeting is planned in late January to discuss next steps.  
33

34 **7) New Business**

35 **a) Biennial Service Provider Submittals – Board Action**

36 Administrator Kill reported on the submittals for professional services. BCWD  
37 received one submittal for accounting services, one for legal services, two for  
38 auditing services, and four for engineering services. To better compare the submittals  
39 for auditor and engineering, Manager Johnson and Manager Maule Miller are  
40 preparing a spreadsheet of the submittals with ranked criteria and recommend further  
41 discussion at a special meeting.  
42

43 Administrator Kill requested that the submittals for auditor include costs for e-  
44 submittal of invoices and presentation of audit to the Board. Manager Maule Miller  
45 will follow-up on obtaining this information.

**Manager Maule Miller moved, seconded by Manager Johnson, to accept the 2019-2020 two-year service agreement of David S. McCord for accounting services. Motion carried 5/0.**

**Manager Johnson moved, seconded by Manager Maule Miller, to accept the 2019-2020 two-year service agreement of Smith Partners for legal services. Motion carried 5/0.**

**Manager Johnson moved, seconded by Manager Maule Miller, to table the selection of auditor until additional information on e-submittal of invoices and presentation of audit to board is obtained and reviewed. Motion carried 5/0.**

**Manager Johnson moved, seconded by Manager Maule Miller, to authorize the administrator to work with legal counsel on the contracts for legal and accounting services. Motion carried 5/0.**

b) Request for Special Meeting –work plan for Clean Water Fund grant  
**Manager Eckles moved, seconded by Manager Schwarze, to authorize a special meeting January 23, 2018 at 5:00 pm at Family Means, to consider the Clean Water Fund grant work plan development scope, and to consider the submittals for auditor and engineering services. Motion carried 5/0.**

c) Request for Special Meeting – implementing next steps from stakeholder meeting  
**Manager Leiser moved, Manager Eckles seconded, to add selecting a date for the stakeholder meeting review discussion to the special meeting January 23, 2018. Motion carried 5/0.**

8) Treasurer’s Report

a) Review Authorized Funds Spreadsheet  
Administrator Kill presented the authorized funds spreadsheet.  
**Manager Schwarze moved, seconded by Manager Maule Miller, to accept the authorized funds spreadsheet as presented. Motion carried, vote 5/0.**

b) Current Items Payable – Board Action  
**Manager Johnson moved, seconded by Manager Schwarze, to approve payment of bills as presented in the amount of \$101,843.18.**

	Yea	Nay	Abstain	Absent
<b><u>Manager Eckles</u></b>	X			
<b><u>Manager Johnson</u></b>	X			
<b><u>Manager Leiser</u></b>	X			
<b><u>Manager Maule Miller</u></b>	X			
<b><u>Manager Schwarze</u></b>	X			

**Motion carried 5/0.**

Treasurer Johnson reported a total balance of \$1,433,878.91 after payables.

1  
2 **9) Recess Regular Meeting**

3 President Leiser recessed the regular meeting at 8:06pm.

4  
5 Recess 8:06pm – 8:20pm  
6

7 **10) Call Annual Business Meeting to order**

8 President Leiser called the Annual Business Meeting to order at 8:20pm.

9 **a) Approve Annual Meeting Agenda**

10 **Manager Johnson moved, seconded by Manager Eckles, to approve the Annual**  
11 **Business Meeting agenda as presented. Motion carried, vote 5/0.**  
12

13 **b) Review 2018 Activities**

14 Administrator Kill reviewed Brown's Creek Watershed District 2018  
15 accomplishments. The list will serve as the starting point of the 2018 Annual Report  
16 that will be shared with the other state and local stakeholders. The managers  
17 discussed the accomplishments.  
18

19 **c) Election of Officers**

20 **Manager Eckles moved, seconded by Manager Maule Miller, to elect Craig**  
21 **Leiser, President; Sharon Schwarze, Vice President; Manager Gerald Johnson,**  
22 **Treasurer; Anne Maule Miller, Secretary; and Klayton Eckles, Second Vice**  
23 **President. Motion carried, vote 5/0.**  
24

25 **d) Board Subcommittee Appointments**

26 The managers reviewed and filled committee appointments:

- 27 • Citizen Advisory Committee Liaisons – Anne Maule Miller & Sharon
- 28 Schwarze
- 29 • Technical Advisory Committee Liaison – Klayton Eckles, alternate Anne
- 30 Maule Miller
- 31 • East Metro Water Resources Education Program Liaison – Anne Maule Miller
- 32 • Best Management Practices Program Subcommittee – Gerald Johnson
- 33 • Bylaws and Policies – Sharon Schwarze
- 34 • MAWD Liaison – Craig Leiser
- 35 • Metro MAWD Liaison – Craig Leiser; alternate Anne Maule Miller
- 36 • Lower St Croix One Watershed One Plan - Craig Leiser; alternate Klayton
- 37 Eckles

38 **Manager Leiser moved, seconded by Manager Schwarze, to approve the**  
39 **subcommittee appointments and the per diems for subcommittee attendance.**  
40 **Motion carried, vote 5/0.**  
41

42 **e) Annual Selection of Bank and Location of Financial Assurance**

43 **Instruments Manager Schwarze moved, seconded by Manager Johnson, to**  
44 **retain US Bank as the District's official bank. Permit deposit fees and cash**  
45 **escrows will be held in a separate savings account at US Bank. Certificates of**  
46 **deposit will be held at Lake Area Bank. Other financial assurance instruments**

1 **will be held in a fire proof safe in the BCWD office. Motion carried, vote 4/0/1**  
2 **(Manager Leiser abstained).**

3  
4 f) **Annual Selection of Official Newspaper(s)**

5 **Manager Schwarze moved, seconded by Manager Maule Miller, to retain White**  
6 **Bear Lake Press, the Stillwater Gazette and the St. Croix Valley Press as the**  
7 **District's official newspapers for 2019. Motion carried, vote 5/0.**

8  
9 g) **Schedule of Regular 2019 meetings**

10 Administrator Kill noted all meetings are scheduled for the second Wednesday of the  
11 month at 6:30pm at Family Means, 1875 Northwest Ave. S. Stillwater, in the large  
12 meeting room (except as noted below):

- 13 • January 9, 2019
- 14 • January 23, 2019 – Special Meeting 5pm: Clean Water Fund Grant Work  
15 plan Development, Biennial Selection of Services for Auditor and  
16 Engineering, Set Special Meeting Workshop for Stakeholder Input  
17 discussion
- 18 • February 13, 2019
- 19 • March 20, 2019- *Note third Wednesday of the month*
- 20 • April 10, 2019
- 21 • May 8, 2019
- 22 • June 12, 2019
- 23 • July 10, 2019 – Special meeting: 2020 Budget Workshop 5-6:30pm and  
24 Regular Meeting
- 25 • August 14, 2019 - Special meeting: 2020 Budget Workshop 5-6:30pm and  
26 Regular Meeting
- 27 • September 11, 2019
- 28 • September 14, 2019 – Special meeting: BCWD Community Event at  
29 Brown's Creek Park in Stillwater
- 30 • October 9, 2019
- 31 • November 13, 2019
- 32 • December 11, 2019

33 **Manager Maule Miller moved, seconded by Manager Johnson, to approve the**  
34 **schedule of the regular meetings as presented. Motion carried, vote 5/0.**

35  
36 i) **Citizen Advisory Committee Membership**

37 **Manager Johnson moved, seconded by Manager Eckles, to approve Karen**  
38 **Richtman – Chair, Paul Richtman, Laurie Mainquist, Jyneen Thatcher, Larry**  
39 **Timmerman, George Vania, and Rick Vanzwol to 2019 membership in the**  
40 **Citizen Advisory Committee. Motion carried, vote 5/0.**

41  
42 j) **Board Training Plan**

43 The managers developed a list of topics for further training:

- 44 • Legal and financial basics of local government overview

- Typical permitting requirements for development (not just watershed requirements but all agencies) overview
- Minimal impact design standards (MIDS) overview
- Beaver management education

President Leiser assigned managers to community outreach positions:

- City of Stillwater – Manager Eckles, alternate Manager Maule Miller
- City of Oak Park Heights – Manager Leiser, alternate Manager Johnson
- City of Grant – Manager Schwarze, alternate Manager Leiser
- City of Hugo – Manager Johnson, alternate Manager Eckles
- Stillwater Township – Manager Schwarze, alternate Manager Leiser
- City of Lake Elmo – Manager Eckles, alternate Manager Johnson
- May Township – Manager Maule Miller

**k) Bylaws and Policies Review**

Administrator Kill reported on a conversation with Michael Welch, Smith Partners stating that there are no required changes to the bylaws and policies.

The managers discussed revising the financial assurance schedule and developing a form/process to request financial surety reductions and agreed the application process should be simplified.

**l) Adjourn annual Meeting**

**Manager Johnson moved, seconded by Manager Eckles, to adjourn the annual meeting at 9:19pm. Motion carried, vote 5/0.**

Manager Leiser called the regular meeting back to order at 9:19 p.m.

**11) Discussion Agenda – No Action Required**

**a) Administrator Updates**

Administrator Kill reviewed 2018 activities during the annual meeting and had no further updates.

**b) Communications & Manager Reports**

The managers discussed some of their 2019 goals for BCWD:

- Re-evaluate the new rules and continue with the stakeholder process to improve communication with the public/developers/agencies, becoming more of an ally. Consider using minimal impact design standards (MIDS) to help achieve a unified approach among watersheds. Evaluate the permit application process to improve process.
- Work with the stakeholders along the Highway 36 corridor between Manning Avenue and Osgood Avenue to establish a workable framework for stormwater compliance.
- Participate in developing the Lower St. Croix One Watershed One Plan.
- Continue working on stormwater reuse projects.

- Continue working with the Citizen Advisory Committee on public outreach activities to build awareness of BCWD with homeowners.
- Improve communication with the LGUs.
- Increase technical understanding of data to be a more informed decision maker.

c) **February 2019 Regular BCWD Board Agenda**

No additional items were suggested.

**12) Adjournment**

**Manager Maule Miller moved, seconded by Manager Johnson, to adjourn the Regular Meeting at 9:36PM. Motion carried, vote 5/0.**

Respectfully Submitted by

Carmen Simonet, Recorder and Anne Maule Miller, Secretary