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2 APPROVED Minutes of the Regular & Annual Meeting of the Brown's Creek Watershed  
3 District Board of Managers, Wednesday, January 10, 2018 at 6:30 PM  
4

5 Family Means, 1875 Northwestern Avenue south  
6 Stillwater, MN 55082  
7

8 **ROLL CALL**

Managers Present:	Others Present:
Craig Leiser, President	Karen Kill, Administrator
Sharon Schwarze, Vice President	Carmen Simonet, Recorder
Gerald Johnson, Treasurer	Michael Welch, Smith Partners, BCWD counsel
Anne Maule Miller, Secretary	Camilla Correll, EOR, BCWD engineer
	Ryan Fleming, EOR, BCWD engineer
Managers Absent:	Jared Fabian, EOR, BCWD engineer
Connie Taillon	Mike Majeski, EOR, BCWD engineer
	Amanda Johnson
	Jeff Houge

- 9
- 10 **1) Call Regular Meeting to Order**  
11 President Leiser called the Regular Meeting to order at 6:32PM.  
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- 13 **2) Approve Regular Meeting Agenda and Discussion Agenda**  
14 **Manager Schwarze moved, seconded by Manager Maule Miller, to approve the**  
15 **Regular Meeting agenda and discussion agenda as presented. Motion carried, vote**  
16 **4/0.**  
17
- 18 **3) Public Comments**  
19 There were no public comments.  
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- 21 **4) Treasurer's Report**  
22 a) **Review Authorized Funds Spreadsheet**  
23 **Manager Johnson moved, seconded by Manager Leiser, to table the authorized**  
24 **funds spreadsheet until the February meeting. Motion carried, vote 4/0.**  
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1           **b) Current Items Payable – Board Action**

2           **Manager Johnson moved, seconded by Manager Schwarze, to approve payment**  
3           **of bills as presented in the amount of \$101,207.20.**

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

10           **Motion carried 4/0.**

12           Treasurer Johnson reported a total balance of \$699,076.12 after payables.

14           **5) Consent Agenda**

15           **Manager Maule Miller moved, seconded by Manager Schwarze, to approve the**  
16           **consent agenda:**

- 17           • **Approve minutes from December 13, 2017 Regular Meeting as presented.**
- 18           • **Accept the permit fee statement as presented.**

19           **Motion carried, vote 4/0.**

21           **6) Permits**

22           **a) BCWD Permit 17-17 West Ridge Development – 60 day extension – Board**  
23           **Action**

24           Administrator Kill reported the permit applicant for the West Ridge residential  
25           development is requesting an extension to address comments and questions from  
26           the BCWD engineer.

27           **Manager Johnson moved, seconded by Manager Maule Miller, to extend the**  
28           **review period by 60 days to April 4, 2018 for permit application 17-17 West**  
29           **Ridge Development. Motion carried, vote 4/0.**

31           President Leiser moved agenda item b) permit 17-18 Houge Residence until later in the meeting.

33           **7) Projects**

34           **a) BCWD 2017-2026 Watershed Management Plan Amendment – Resolution**  
35           **#18-01 – Board Action**

36           Administrator Kill reported on a comment received from Washington County and  
37           said that staff agrees with the suggested revision, and has incorporated it at page  
38           21 of the plan sections in the packet, leaving Implementation Item F2 in the plan,  
39           but removing F3.

41           Manager Maule Miller commented the letter from the Minnesota Board of Water  
42           and Soil Resources was very nice, and she thanked everyone who worked on the  
43           plan amendment.

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**Manager Schwarze moved, seconded by Manager Johnson, to adopt Resolution 18-01 Adopting Amendments to 2017-2026 Watershed Management Plan.**

	Yea	Nay	Abstain	Absent
<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			
<b><u>Manager Taillon</u></b>				X

**Motion carried 4/0.**

**b) Rule Revisions**

**i. Response to Comments – Board Action**

Manager Maule Miller thanked staff for compiling the comments on the rules and drafting responses. Administrator Kill asked the managers if they had questions and said the next step is to look at the revisions to the memo supporting the amendments. Manager Leiser asked Amanda Johnson (representing Mark Lambert who submitted comments) if she had any comment and she did not.

Administrator Kill reviewed the memo in the packet summarizing the comments and providing suggested responses.

Mr. Welch, reviewed the process for adopting the revisions and setting an effective date for the amended rules. Administrator Kill noted an additional correction to make to the background information in the revised memo supporting the rules: BCWD has issued two prior statements of need and reasonableness, not three. Mr. Welch said he will make the correction.

**ii. Consider Adoption of BCWD Proposed Rules Amendments – Resolution #18-02 – Board Action**

Michael Welch, Smith Partners reviewed the steps outlined in the resolution to adopt the proposed rules. The managers discussed an effective date for the rules and decided that any application that is not complete before February 1, 2018, should be subject to the amended rules. Mr. Welch noted that the resolution also initiates the process for incorporating the amended rules into the watershed plan.

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**Manager Schwarze moved, seconded by Manager Johnson, to adopt Resolution 18-02 Adopting Amendments to the Brown’s Creek Watershed District Rules, setting an effective date for the amended rules of February 1, 2018, and initiating the plan-amendment process.**

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

**Motion carried 4/0.**

President Leiser tabled agenda item 7) b) 2017 Monitoring Results and 2018 Scopes until the district engineer presenting the information arrives.

**8) New Business**

**a) Stillwater Township LSWMP (Resolution 18-03) – Board Action**

Administrator Kill reported Stillwater Township has updated their local water management plan to be consistent with BCWD’s 2017-2026 watershed management plan and recommends approving as submitted. Michael Welch, Smith Partners noted the resolution in the packet provides for conditional approval but that is not the case; there are no recommended conditions.

**Manager Maule Miller moved, seconded by Manager Schwarze, to adopt Resolution 18-03 approving the Stillwater Township Local Water Management Plan.**

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

**Motion carried 4/0.**

**b) Stillwater SWMP (Resolution 18-04) – Board Action**

Administrator Kill presented the staff memo reviewing the Stillwater Surface Water Management Plan and recommending conditions of approval. Several of the recommended conditions address improving clarity regarding permitting responsibilities and agency cooperation.

Michael Welch, Smith Partners responded to manager Maule Miller’s question about approving the resolution conditionally, noting the memo is specific and detailed with the conditions BCWD raises. Stillwater will need to address all of BCWD’s comments and satisfy the conditions to make the managers’ approval operative. President Leiser feels a conditional approval should be given rather than denial in light of the strong working relationship BCWD has with the city,

1 and asked that a joint meeting be arranged to address the conditions, particularly  
 2 the applicability of volume control in the TSMP area.

3  
 4 **Manager Leiser moved, seconded by Manager Johnson, to adopt Resolution**  
 5 **18-04 conditionally approving City of Stillwater Local Surface Water**  
 6 **Management Plan.**

	Yea	Nay	Abstain	Absent
7 <b><u>Manager Johnson</u></b>	X			
8 <b><u>Manager Leiser</u></b>	X			
9 <b><u>Manager Maule Miller</u></b>	X			
10 <b><u>Manager Schwarze</u></b>	X			
11 <b><u>Manager Taillon</u></b>				X

12 **Motion carried 4/0.**

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 15 Mike Majeski, EOR arrived. President Leiser directed the managers to agenda item 7) Projects c)  
 16 2017 Monitoring Results and 2018 Scopes.

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 18 **i. Weather Station – Presentation & Board Action**

19 Mike Majeski, EOR reported on the weather station monitoring program and  
 20 presented a scope of services for 2018 monitoring activity. The station collects  
 21 data every 15 minutes, from March to November and is used in modeling  
 22 efforts by BCWD, and is shared with the Washington Conservation District,  
 23 University of Minnesota, and other entities if requested. President Leiser  
 24 acknowledged the importance of sharing the data.

25 **Manager Schwarze moved, seconded by Manager Maule Miller, to**  
 26 **authorize expenditure of \$3,225.00 from account 957-0000 (Thermal**  
 27 **Monitoring / Weather Station) Motion carried, vote 4/0.**

28  
 29 **c) 2017 monitoring Results and 2018 Scopes**

30 **ii. THPP Infiltration Monitoring – Presentation & Board Action**

31 Mike Majeski, EOR reported on the performance of the Trout Habitat  
 32 Preservation Project (THPP) during the 2017 monitoring season noting a  
 33 decline in the infiltration rate in Basin 1. The managers discussed the history  
 34 of the project.

35  
 36 The scope of services for 2018 maintenance activities recommends adding 3  
 37 level loggers to determine the performance of the infiltration trench in Basin 1  
 38 and to see if groundwater is influencing infiltration rates. EOR also  
 39 recommends inspecting the filter fabric and aggregate at the bottom of the  
 40 infiltration trench to see if it is clogged.

41 **Manager Maule Miller moved, seconded by Manager Johnson, to**  
 42 **authorize expenditure of \$3,816.00 from account 903-0001 (Trout Habitat**  
 43 **39 Preservation Project: Monitoring) for 2018 monitoring activity.**  
 44 **Motion carried, vote 4/0.**

1                   **iii. Brown’s Creek Biological Monitoring – Presentation & Board Action**

2                   Mike Majeski, EOR presented the results from a fish and macroinvertebrate  
3                   survey of Brown’s Creek performed in 2017 and a scope of services for a  
4                   macroinvertebrate assessment in 2018. Administrator Kill noted this past year  
5                   students from the Stillwater Area High School released 150 fingerling brown  
6                   trout in the creek in May 2017. Mr. Majeski suggested they mark future  
7                   releases with a clip in order to identify them in future surveys. President  
8                   Leiser asked that this report be shared with Andy Weaver, who is in charge of  
9                   the school program.

10                   **Manager Maule Miller moved, seconded by Manager Leiser, to approve**  
11                   **the scope and authorize expenditure of \$8,707.70 from account 947-0018**  
12                   **(Brown's Creek - Biological Survey(Fish/Macroinvert)) to conduct the**  
13                   **2018 Macroinvertebrate Assessment. Motion carried, vote 4/0.**

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15                   **c) Lower St. Croix One Watershed One Plan MOA**

16                   Administrator Kill reported on a proposed partnership with other local  
17                   governmental entities to develop the Lower St. Croix One Watershed One Plan.  
18                   Next steps include a work plan and memorandum of agreement with those  
19                   interested in participating in the partnership. It will require a manager to attend 12  
20                   policy meetings. Action items include creating bylaws and appointing members to  
21                   the steering committee. After State approval of the plan, the individual partners  
22                   will decide whether to adopt it. BCWD has an approved watershed management  
23                   plan in place and is not required to adopt the plan. President Leiser noted his past  
24                   participation in developing the governmental collaborative that produced One  
25                   Watershed Plan and volunteered to be on the committee.

26  
27                   Administrator Kill requested the Board consider having legal counsel review the  
28                   MOA jointly for BCWD and Comfort Lake Forest Lake Watershed (CLFLWD).  
29                   Michael Welch said Smith Partners represents both BCWD and the CLFLWD and  
30                   would like the managers to waive any possible conflict of interest, however  
31                   unlikely an actual conflict may be to develop.

32                   **Manager Leiser moved, seconded by Manager Schwarze, to authorize legal**  
33                   **counsel to review the MOA and to waive any conflict of interest with**  
34                   **CLFLWD. Motion carried, vote 4/0.**

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36                   Recess 8:29pm – 8:36pm

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38                   President Leiser directed the managers to agenda item 6) permits.

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40                   **b) BCWD Permit 17-18 Houge Residence – Board Action**

41                   Camilla Correll, EOR, provided the engineer’s analysis of the application for  
42                   permit 17-18, a single family home construction project on 9.38 acres, located on  
43                   Lansing Avenue in the City of Grant. The project triggers the District’s  
44                   stormwater rule. Stormwater from the site travels south to a wetland, which is  
45                   hydrologically connected to Brown’s Creek through groundwater interactions and  
46                   overland flow. The design uses two raingardens to manage the stormwater runoff

1 from the added impervious area. The engineer recommends approval of the permit  
2 with conditions and stipulations outlined in the engineer's report.

3  
4 President Leiser asked the applicant if he understood the obligations of and  
5 conditions on approval outlined in the engineer's report. Jeff Houge replied he  
6 does not completely understand the stormwater management process. He said  
7 additional soil boring information was sent over to the District in the past day and  
8 administrator Kill confirmed this information was forwarded to the engineer  
9 today. Ms. Correll said additional soils information is needed in the raingarden  
10 areas to confirm adequate depth to the water table. Mr. Houge acknowledged that  
11 he may need to apply for a permit modification if the soils information shows that  
12 the stormwater management plan needs to be materially modified to comply with  
13 the BCWD rule requirements. Administrator Kill recommended scheduling a time  
14 to meet and go over details with Mr. Houge and his engineer.

15  
16 **Manager Maule Miller moved, seconded by Manager Johnson, to approve**  
17 **permit 17-18 with recommended conditions and stipulations in the January**  
18 **10, 2018 engineer's memo. Motion carried, vote 4/0.**

19  
20 **9) Recess Regular Meeting**

21 President Leiser recessed the regular meeting at 8:59pm.

22  
23 **10) Call Annual Meeting to order**

24 President Leiser called the annual meeting to order at 8:59PM.

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26 **a) Approve Annual Meeting Agenda**

27 **Manager Schwarze moved, seconded by Manager Maule Miller, to approve the**  
28 **Annual Meeting agenda as presented. Motion carried, vote 4/0.**

29  
30 **b) Review of 2017 Activities**

31 Administrator Kill reviewed Brown's Creek Watershed District 2017  
32 accomplishments. The list will serve as the starting point of the 2017 Annual Report  
33 that will be shared with the other state and local stakeholders. The managers  
34 discussed the accomplishments and noted BCWD has had a busy and productive year.

35  
36 President Leiser noted he has a contact for potential funding of pollinator plantings.

37  
38 **c) Election of Officers**

39 **Manager Maule Miller moved, seconded by Manager Schwarze, to reelect the**  
40 **current slate of officers: Craig Leiser, President; Sharon Schwarze, Vice**  
41 **President; Gerald Johnson, Treasurer; and Anne Maule Miller, Secretary.**  
42 **Motion carried, vote 4/0.**

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1 **d) Board Subcommittee Appointments**

2 The managers reviewed and filled committee appointments:

- 3 • Citizen Advisory Committee Liaisons – Anne Maule Miller & Sharon Schwarze
- 4 • Technical Advisory Committee Liaison – Anne Maule Miller
- 5 • East Metro Water Resources Education Program Liaison – Anne Maule Miller
- 6 • Best Management Practices Program Subcommittee – Gerald Johnson
- 7 • Bylaws and Policies – Sharon Schwarze
- 8 • MAWD Board Liaison – Craig Leiser
- 9 • Metro MAWD Liaison – Craig Leiser, alternate Anne Maule Miller

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11 **e) Annual Selection of Bank**

12 **Manager Johnson moved, seconded by Manager Schwarze, to retain US Bank as**  
13 **the District's official bank and to retain financial assurances in a fireproof safe**  
14 **in the BCWD office. Motion carried, vote 4/0.**  
15

16 **f) Annual Selection of Official Newspaper(s)**

17 **Manager Leiser moved, seconded by Manager Maule Miller, to retain White**  
18 **Bear Lake Press, the Stillwater Gazette and the St. Croix Valley Press as the**  
19 **District's official newspapers for 2018. Motion carried, vote 4/0.**  
20

21 **g) Schedule of Regular 2018 meetings**

22 Administrator Kill noted all regular meetings are scheduled for 6:30 PM on the  
23 second Wednesday of the month at Family Means, 1875 Northwest, Stillwater, in the  
24 large meeting room (except the two meetings noted below):

25 January 10, 2018

26 February 15, 2018 - Note Change of Date & Location: BCWD Office, 455

27 Hayward Ave North, Oakdale, MN 55128

28 March 14, 2018

29 April 11, 2018

30 May 9, 2018

31 June 13, 2018

32 July 11, 2018

33 August 15, 2018- Note Change of Date & Location: BCWD Office, 455 Hayward

34 Ave North, Oakdale, MN 55128

35 September 12, 2018

36 October 10, 2018

37 November 14, 2018

38 December 12, 2018

39 **Manager Leiser moved, seconded by Manager Johnson, to approve the schedule**  
40 **of the regular meetings as presented. Motion carried, vote 4/0.**  
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1           **h) Citizen Advisory Committee membership**

2                     Karen Richtman – Chair

3                     Paul Richtman

4                     Rick Vanzwol

5                     Jyneen Thatcher

6                     George Vania

7                     Larry Timmerman

8           **Manager Leiser moved, seconded by Manager Schwarze, to reappoint the**  
9           **current roster of Citizen Advisory Committee members. Motion carried, vote**  
10           **4/0.**

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12           **i) Board Training Plan**

13                     President Leiser asked each of the managers to plan on giving a 15 minute  
14                     presentation in 2018 on a watershed management related topic they have learned  
15                     about.

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17                     Manager Maule Miller suggested a presentation by staff on regulatory changes that  
18                     might be on the horizon.

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20           **j) Bylaws and Policies Review**

21                     Michael Welch, Smith Partners noted the bylaws and policies have been reviewed  
22                     recently and no updates are recommended at this time.

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24           **k) Adjourn Annual Meeting**

25                     **Manager Johnson moved, seconded by Manager Maule Miller, to adjourn the**  
26                     **annual meeting at 9:42PM. Motion carried, vote 4/0.**

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

29           **a) Administrator Updates**

30                     Administrator Kill presented 2017 activities during the annual meeting and had no  
31                     additional updates.

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33           **b) Communications & Manager Reports**

34                     President Leiser gave an update on the Minnesota Association of Watershed Districts.

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36           **c) February 2018 BCWD Board Agenda**

37                     No items were suggested.

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39   **12) Adjournment**

40                     **Manager Johnson moved, seconded by Manager Maule Miller, to adjourn the**  
41                     **Regular Meeting at 9:46PM. Motion carried, vote 4/0.**

42  
43   Respectfully Submitted by

44   Carmen Simonet, Recorder and Anne Maule Miller, Recording Secretary