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2 APPROVED Minutes of the Annual & Regular Meeting of the Brown's Creek Watershed
3 District Board of Managers, Wednesday, January 11, 2017 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
Connie Taillon, Treasurer	Michael Welch, Smith Partners, BCWD counsel
Anne Maule Miller	Camilla Correll, EOR, BCWD engineer
	Meghan Funke, EOR BCWD engineer
Managers Absent:	Sharon Price, Washington County
Gerald Johnson, Secretary	

- 9
- 10 **1. Call Regular Meeting to Order**
11 President Leiser called the Regular Meeting to order at 6:34 PM.
12
- 13 **2. Approve Regular Meeting Agenda and Discussion Agenda**
14 **Manager Maule Miller moved, seconded by Manager Schwarze, 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.
20
- 21 **4. Projects – Part I**
22 **a. MPCA Tiered Aquatic Life Uses – Meghan Funke, EOR**
23 Meghan Funke, EOR reported on EOR's review of the Minnesota Pollution Control
24 Agency (MPCA) proposed amendments to state water quality standards on behalf of
25 BCWD and Carnelian-Marine-St. Croix Watershed District (CMSCWD). The
26 proposed changes update the rules from a "one-size-fits-all" system and will establish
27 a tiered aquatic life uses framework that more accurately reflects the biological
28 diversity in the different types of waterways in the state. EOR proposes to send one
29 comment letter to MPCA on behalf of both BCWD and CMSCWD.

1 **Manager Taillon moved, seconded by Manager Schwarze, to authorize the**
2 **District Administrator to submit the comment letter to the MPCA within the 45-**
3 **day public comment period. Motion carried, vote 4/0.**
4

5 **b. 2015 & 2016 Macroinvertebrate Data – Meghan Funke, EOR**

6 Meghan Funke, EOR presented the results from a macroinvertebrate survey of
7 Brown’s Creek performed in 2015 and 2016. Administrator Kill noted the
8 Metropolitan Council has been collecting macroinvertebrate data in Brown’s Creek.
9 This information will be included in the BCWD dataset.

10
11 President Leiser asked how the District uses or could use the data collected.
12 Administrator Kill explained that Brown’s Creek is listed as impaired for lack of cold
13 water biota, which is most likely caused by high temperatures and high total
14 suspended-solids loads. We have a good understanding of how much the stream
15 needs to be improved, but the strategy is still adaptive management. Actually
16 measuring the abundance and health of the stream biology allows us to determine if
17 the stream is healthy or whether additional restoration is needed.
18

19 **c. Land Conservation Program – 110th Street – Board Action**

20 **i. Update on Closing**

21 Sharon Price, Washington County, updated the Board that Washington County
22 closed on the property on January 9, 2017, and is prepared to complete the
23 transaction by accepting the conservation easement from BCWD. Michael
24 Welch reported he consulted with real estate counsel at Dorsey & Whitney on
25 the closing and title documents, and their recommendations were considered in
26 the decision to transfer the property via warranty deed instead of quitclaim deed,
27 and to ask the county to purchase title insurance on BCWD’s behalf, which it
28 did.
29

30 **ii. Conservation Easement**

31 Mr. Welch reported that the existing condition of the property was documented
32 in a report that, at the county’s request, has been incorporated into the
33 conservation easement as an attachment. Manager Maule Miller asked about
34 hazardous waste and administrator Kill noted that review of historic aerial
35 photos and a neighbor interview both indicated that the property has always
36 been used as pastureland and staff determined that there is very low risk of site
37 contamination. The managers elected at the November meeting not to proceed
38 with further environmental assessment. Staff will work with the city of Grant to
39 secure tax-exempt status for the property. Manager Schwarze indicated that she
40 is available to assist as needed.

41 **Manager Taillon moved, seconded by Manager Schwarze, to approve the**
42 **amended conservation easement and authorize President Leiser to sign on**
43 **behalf of BCWD. Motion carried, vote 4/0.**
44
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46

1 **iii. Public Outreach to Develop Land Conservation Plan**

2 Administrator Kill reported EOR is working on the natural resource
3 management plan for the 110th Street property and is scheduled to have it ready
4 for the March 2017 board meeting. The conservation plan also needs to identify
5 how BCWD will use the land. Development of the plan will include a
6 community engagement process to explore options. Ms. Kill reviewed a scope
7 of services by EOR for the community participation process and land use plan.
8

9 In addition to EOR's work, Ms. Kill is envisioning using the services of East
10 Metro Water Resource Education Programs (EMWREP) and engaging the
11 Citizen Advisory Committee (CAC). President Leiser added, in addition to the
12 general public meetings there should also be an informational meeting with
13 neighbors and a meeting with the City of Grant. The managers discussed the
14 timeline and manager involvement. Manager Maule Miller agreed to chair the
15 conservation plan working group and president Leiser was suggested as the best
16 fit to be the liaison with the City of Grant. It was agreed that an informal
17 meeting with neighbors should be convened soon.

18 Manager Maule Miller moved, seconded by Manager Schwarze, to transfer
19 \$2,667 from account 300-4950 (Projects with potential alternate funding) to
20 account 935-0001(110th Street Property) and to authorize expenditure of
21 not to exceed \$2,667 from account 935-0001 (110th Street Property) for
22 tasks 1 and 2 of EOR's scope of services for public participation plan.
23 Motion carried, vote 4/0.
24

25 Recess 7:50 PM – 7:55 PM
26

27 **d. McKusick Road Stormwater Retrofit – Update and Maintenance Agreement –**
28 **Board Action**

29 Administrator Kill reported that final terms for cooperative agreement with
30 Washington County have been agreed to in accordance with board direction. The
31 managers have not yet approved the maintenance agreement. BCWD has received a
32 grant to do this retrofit project. The annual maintenance costs will be roughly \$10,000
33 to \$15,000, and will begin to be incurred in 2018.

34 Manager Taillon moved, seconded by Manager Maule Miller, to approve the
35 agreement between Washington County and BCWD for the maintenance of
36 storm water facilities on County Road 64 and authorize President Leiser to sign
37 on behalf of BCWD. Motion carried, vote 4/0.
38

39 **e. BCWD Capital Improvement Projects Standard Operating Procedures Manual**
40 **Scope – Board Action**

41 Manager Schwarze moved, seconded by Manager Taillon, to authorize
42 expenditure of not to exceed \$5,536 to develop a Capital Improvement Program
43 Standard Operating Procedures Manual including cost estimates for
44 maintenance activities from account 948-0000 (CIP Maintenance). Motion
45 carried, vote 4/0.
46

1 **5. Recess Regular Meeting**

2 President Leiser recessed the regular meeting at 8:13 PM.

3
4 **6. Call Annual Meeting to order.**

5 President Leiser called the Annual Meeting to order at 8:15 PM.

6
7 **b) Review of 2016 Activities**

8 Administrator Kill reviewed Brown's Creek Watershed District 2016
9 accomplishments. The list will serve as the starting point of the 2016 Annual Report
10 that will be shared with state and local stakeholders. The managers discussed the
11 accomplishments.

12
13 **a) Approve Annual Meeting Agenda**

14 **Manager Schwarze moved, seconded by Manager Taillon, to approve the**
15 **Annual Meeting agenda as presented. Motion carried, vote 4/0.**

16
17 **c) Election of Officers**

18 Manager Taillon asked the managers if anyone was willing to be treasurer or to assist
19 with the work. The tight schedule between receiving the invoices for review and the
20 regular meeting time is an issue with her new work schedule. The administrator and
21 managers offered support and discussed options to minimize the time crunch.

22 **Manager Schwarze moved, seconded by Manager Taillon, to reelect the current**
23 **slate of officers: Craig Leiser, President; Sharon Schwarze, Vice President;;**
24 **Connie Taillon, Treasurer; and Gerald Johnson, Secretary; and to name**
25 **Manager Maule Miller as Second Vice President. Motion carried, vote 4/0.**

26
27 President Leiser praised the innovative work BCWD has been doing in stormwater
28 management.

29
30 **d) Board Subcommittee Appointments**

31 **President Leiser moved, seconded by Manager Maule Miller, to approve the**
32 **subcommittee positions:**

- 33 • **Citizen Advisory Committee Liaison – Anne Maule Miller and Sharon**
34 **Schwarze**
- 35 • **110th Street Property Management Plan – Anne Maule Miller**
 - 36 • **Technical Advisory Committee Liaison – Connie Taillon**
 - 37 • **East Metro Water Resources Education Program Liaison – Connie Taillon**
 - 38 • **Best Management Practices Program Subcommittee – Gerald Johnson**
 - 39 • **Bylaws and Policies – Sharon Schwarze**
 - 40 • **MAWD Board Liaison – Craig Leiser**
 - 41 • **Metro MAWD Liaison – Craig Leiser**

42 **and approve per diems for subcommittee attendance. Motion carried, vote 4/0.**

43
44 **e) Annual Selection of Bank**

45 **Manager Schwarze moved, seconded by Manager Taillon, to retain US Bank**
46 **as the District's official bank, with certificates of deposit held at Lake Area**
47 **Bank. Permit Deposit Fees and Cash Escrows will continue to be held in a separate**

1 savings account at US Bank. Other financial assurance instruments, such as
2 letters of credit and performance bonds, will continue to be held in a
3 fireproof safe in the BCWD office. Motion carried, vote 4/0.
4

- 5 f) **Annual Selection of Official Newspaper(s)**
6 Manager Schwarze moved, seconded by Manager Maule Miller, to retain White
7 Bear Lake Press, the Stillwater Gazette and the St. Croix Valley Press as the
8 District's official newspapers for 2017. Motion carried, vote 4/0.
9

- 10 g) **Schedule of Regular 2017 meetings**
11 Administrator Kill noted all meetings are scheduled for the second Wednesday of the
12 month at Family Means, in the large meeting room at 6:30PM.
13 Manager Taillon moved, seconded by Manager Maule Miller, to approve the
14 schedule of the regular meetings as presented. Motion carried, vote 4/0.
15

- 16 h) **Citizen Advisory Committee membership**

17 Karen Richtman – Chair
18 Paul Richtman
19 Rick Vanzwol
20 Jyneen Thatcher
21 George Vania
22 Larry Timmerman

23 Manager Maule Miller moved, seconded by Manager Schwarze, to approve the
24 residents that have agreed to 2017 membership in the Citizen Advisory
25 Committee. Motion carried, vote 4/0.
26

- 27 i) **Board Training Plan**

28 The managers discussed training opportunities. Manager Maule Miller requested
29 further training on “One Watershed One Plan”.
30

- 31 j) **Bylaws and Policies Review**

32 Manager Schwarze chairs this committee and reported she looked through the bylaws
33 and policies before the meeting and did not find anything that needed to be updated.
34 Michael Welch agreed, noting that the managers made some updates to its policies in
35 the last year and an updated policy manual will be compiled and provided to the
36 managers.
37

- 38 k) **Adjourn Annual Meeting**

39 Manager Taillon moved, seconded by Manager Schwarze, to adjourn the annual
40 meeting at 9:25 PM. Motion carried, vote 4/0.
41

42 President Leiser called the Regular Meeting back to order at 9:25 PM.
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1 7. Approve Board Meeting Minutes

2 a) November 9, 2016 Regular Meeting

3 b) December 14, 2016 Regular Meeting

4 Manager Leiser moved, seconded by Manager Taillon, to table the November
5 and December meeting minutes. Motion carried, vote 4/0.

6
7 8. Treasurer's Report

8 a) Review Authorized Funds Spreadsheet

9 Manager Taillon moved, seconded by Manager Schwarze, to accept the January
10 11, 2017 authorized funds spreadsheet as presented. Motion carried, vote 4/0.

11
12 b) Permit Fee Statements Review

13 Manager Maule Miller moved, seconded by Manager Schwarze, to accept permit
14 fee statements review as presented. Motion carried, vote 4/0.

15 c) Current Items Payable – Board Action

16 Manager Taillon moved, seconded by Manager Schwarze, to approve payment
17 of bills as presented in the amount of \$97,112.60.

18
19

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

25 Motion carried 4/0.

26
27 Treasurer Taillon reported a total balance of \$732,192.26 after payables.

28
29 Manager Leiser moved, seconded by Manager Schwarze, to authorize the
30 administrator to proceed with submitting the Minnesota Management & Budget
31 form for direct deposit of state funding. Motion carried, vote 4/0.

32
33 9. New Business

34 a) Biennial Service Provider Submittals –Board Action

35 Administrator Kill reported that in addition to the proposal from EOR, a proposal for
36 engineering services from Geosyntec Consultants was received, but it appears that the
37 firm wished only to be considered for inclusion in an engineering pool for project
38 work; neither a monthly retainer schedule nor permitting experience was included in
39 the submittal.

40 Manager Schwarze moved, seconded by Manager Maule Miller, to select
41 Emmons & Olivier Resources as district engineer, Smith Partners for legal
42 services, Abdo, Eick & Meyers for auditing services and Dave McCord, Ltd. for
43 accounting services. Motion carried, vote 4/0.

1 **b) Watershed District Sales Tax Exemption - Update from Legal**

2 Mr. Welch reported on a new sales tax exemption for watershed districts that went
3 into effect January 1, 2017. He pointed out this is for materials, not labor. On large
4 construction projects, the cost benefit will need to be determined whether it more
5 beneficial to have the contractor purchase the materials on behalf of BCWD with
6 sales tax and warranties, or for BCWD to do a more complicated contract to separate
7 materials for BCWD purchase to save the sales tax.
8

9 **10. Discussion Agenda – No Action Required**

10 **a) Administrator Updates**

11 **i) Permit Updates**

12 **(1) BCWD Permit 14-10 Suedkamp**

13 Administrator Kill reported the Suedkamp Grading and Pond Construction
14 was reviewed by EOR and found to be in compliance with BCWD rules.
15

16 **(2) BCWD Permit 16-05 Curran**

17 Administrator Kill reported on the BCWD order for corrective action to be
18 taken by Mr. Curran. The order was to restore the drainage swale to
19 preexisting elevation and to stabilize with seed and erosion control blanket.
20 EOR has followed up with site visits and review of high-resolution elevation
21 data (LiDAR) and has determined that grades and stabilizing have been
22 achieved within acceptable grading tolerances.
23

24 **b) Communications & Manager Reports**

25 Manager Maule Miller said in past work she has used tracking score sheets for
26 budgets and timelines and offered to share it with the administrator and managers as a
27 potential tool for BCWD.
28

29 **c) February 2017 BCWD Board Agenda**

30 No items were suggested.
31

32 **11. Adjournment**

33 **Manager Taillon moved, seconded by Manager Maule Miller, to adjourn the**
34 **Regular Meeting at 10:07 PM. Motion carried, vote 4/0.**
35

36 Respectfully Submitted by

37 Carmen Simonet, Recorder and Gerald Johnson, Recording Secretary
38

39
40
41 _____
 Gerald Johnson, Secretary