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2 APPROVED Minutes of the Regular Meeting of the Brown's Creek Watershed District Board of
3 Managers, Wednesday, February 8, 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
Gerald Johnson, Secretary	Camilla Correll, EOR, BCWD engineer
Anne Maule Miller, Vice President	Kevin Biehn, EOR BCWD engineer
	Olivia Sparrow, EOR BCWD engineer
	Ryan Fleming, EOR, BCWD engineer
	Angela Defenbaugh, Washington Conservation District

9
10 **1. Call Regular Meeting to Order**
11 President Leiser called the Regular Meeting to order at 6:31PM.

12
13 **2. Approve Regular Meeting Agenda and Discussion Agenda**
14 **Manager Schwarze moved, seconded by Manager Johnson, to approve the Regular**
15 **Meeting agenda as presented. Motion carried, vote 5/0.**

16
17 **3. Public Comments**
18 There were no public comments.

19
20 **4. Treasurer's Report**
21 **a) Review Authorized Funds Spreadsheet**
22 Administrator Kill presented the funds spreadsheet.
23 **Manager Johnson moved, seconded by Manager Taillon, to accept the February**
24 **8, 2017 authorized fund spreadsheet as presented. Motion carried, vote 5/0.**

25
26 **b) Permit Fee Statements Review**
27 Administrator Kill presented the permit fee statement.
28 **Manager Maule Miller moved, seconded by Manager Schwarze, to accept the**
29 **permit fee statement as presented. Motion carried, vote 5/0.**

1 c) **Current Items Payable – Board Action**

2 **Manager Taillon moved, seconded by Manager Schwarze, to approve payment**
3 **of bills as presented in the amount of \$101,532.20.**

	<u>Yea</u>	<u>Nay</u>	<u>Abstain</u>	<u>Absent</u>
4 <u>Manager Johnson</u>	<u>X</u>			
5 <u>Manager Leiser</u>	<u>X</u>			
6 <u>Manager Maule Miller</u>	<u>X</u>			
7 <u>Manager Schwarze</u>	<u>X</u>			
8 <u>Manager Taillon</u>	<u>X</u>			

9 **Motion carried .**

10 Treasurer Taillon reported a total balance of \$559,582.77 after payables.
11

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14 **5. Consent Agenda**

15 Manager Maule Miller requested to pull the November 9, 2016 Regular meeting
16 minutes from the consent agenda to 8e.
17

18 **Manager Johnson moved, seconded by Manager Schwarze, to adopt the consent**
19 **agenda as amended:**

- 20 • **Approve minutes from December 14, 2016 Regular Meeting and the**
21 **January 11, 2017 Annual and Regular Meeting as presented.**
- 22 • **Approve registration, per diem and expenses for Managers from account**
23 **200-4000 (Manager Per Diem and Expense) and to approve registration and**
24 **expenses for Administrator from account 200-4265 (Admin Conference**
25 **Registrations) for the MAWD Day at the Capitol March 29-30, 2017.**
- 26 • **Approve the one-year contract amendment with All-Weather Services for**
27 **the maintenance of the Neal Ave Rain Garden Project not to exceed \$2,500**
28 **from account 948-0000 (CIP Maintenance) and authorize the administrator**
29 **to execute the agreement.**
- 30 • **Approve the Iron Enhanced Sand Filter 2017 Operation & Maintenance not**
31 **to exceed \$15,135 from account 948-0000 (CIP Maintenance).**
- 32 • **Approve 2017 groundwater level measurements not to exceed \$5,000 from**
33 **account 942-0004 (Measuring Trends in GW Elevations & Flow).**
- 34 • **Approve the 2017 weather station monitoring program not to exceed \$3,306**
35 **from account 957-0000 (Thermal Monitoring/Weather Station).**
- 36 • **Approve conducting the 2017 annual meeting and follow-up with member**
37 **communities not to exceed \$2,750 from account 922-0000 (Plan Reviews -**
38 **LGU/LWMP) and \$2,500 from account 932-0003 (TMDL Cooperation-**
39 **tracking progress).**

40 **Motion carried, vote 5/0.**
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1 **6. Projects**

2 **a) Land Conservation Program – 110th Street – Board Action**

3 **i) Natural Resource Management Plan Presentation – Kevin Biehn,**
4 **EOR**

5 Mr. Biehn presented a draft natural areas management plan for the 110th
6 Street property. The plan includes a site analysis, management
7 recommendations, and guidelines for control of invasive species and
8 habitat restoration. The 1847 public land survey indicates the pre-
9 European settlement upland plant community was predominately bur-oak
10 woodland and the lowland contained a tamarack swamp.

11
12 A key management decision is restoring the upland areas to oak woodland
13 and prairie. The process will include removing the nonnative Scotch and
14 Austrian pine and retaining the MN native Red and White pine while
15 establishing the oak woodland and prairie areas.

16
17 The plan also includes initial programming ideas that will be used to
18 develop the usage plan, such as wildlife crossing at 110th Street, access
19 and parking, signature trees and acorn harvesting.

20
21 President Leiser noted the site analysis, especially the historical
22 documents, provide good context to understand the landscape direction
23 BCWD wants to pursue and asked that this be included in the
24 presentations at the public meetings to help explain land management
25 decisions.

26
27 The Board discussed potential funding sources for the restoration work.
28 BCWD 2017-2026 watershed management plan includes Brown's Creek
29 corridor restoration. The administrator is pursuing grants to help fund the
30 management work and working with partners, such as the Great River
31 Greening and their volunteer base.

32
33 Additional items noted by managers to add to the plan include: dates to the
34 aerial photos as time markers, and a breakdown by year of management
35 costs.

36
37 **ii) Public Outreach to Develop Land Conservation Plan**

38 Administrator Kill reported staff met and discussed strategy for public
39 outreach. Dates include a mid-April meeting for public input, first with the
40 adjacent neighbors, followed by a larger public meeting. The Board
41 discussed stakeholders to invite to the public input meeting. Ms. Kill will
42 send out a list of key stakeholders to the Board.

43
44 Ms. Kill reported on the scope of services for public engagement and
45 pointed out the additional items in table 3 of the engineer's memo which

1 include a multimedia presentation to simulate walking the site using an
2 interactive map with pictures and text, and property identification signage.
3 **Manager Schwarze moved, seconded by Manager Maule Miller, to**
4 **authorize transferring \$13,726 from account 300-4950 (Projects with**
5 **potential alternate funding) to account 935-0001 (Land Conservation**
6 **Program). Motion carried, vote 5/0.**
7

8 **Manager Taillon moved, seconded by Manager Johnson, to authorize**
9 **not to exceed \$13,726 from account 935-0001 (Land Conservation**
10 **Program) to perform the tasks identified in Table 2 for the 110th**
11 **Street Property – Usage Plan. Motion carried, vote 5/0.**
12

13 **b) Diversion Drainage Headcut Repair – Board Action**

14 Administrator Kill reported on the Long Lake tributary headcut stabilization
15 project. The project is located north of Boutwell Road North, in the tributary
16 flowing out of Long Lake, to the diversion structure, and on most frequently to
17 Lake McKusick.

18
19 Ms. Kill and EOR met with most of the adjacent landowners and presented a
20 concept to stabilize the area using two rock vane structures and tree thinning to
21 improve light conditions for establishing the groundcover, and planting
22 vegetation. In general, the landowners attending the meeting were supportive of
23 the plan. A list of questions was generated at the meeting and an additional
24 meeting, potentially in early April, is needed to follow-up on the questions.
25 Construction will need to happen when the ground is frozen to prevent
26 compaction; therefore the earliest the work would be completed is winter 2017-
27 18.
28

29 **Manager Maule Miller moved, seconded by Manager Taillon, to authorize**
30 **expenditure not to exceed \$3,980 from account 959-0002 (Resource**
31 **Assessment) for the additional project scope. Motion carried, vote 5/0.**
32

33 **c) THPP Monitoring Update and 2017 scope – Board Action**

34 Camilla Correll, EOR reported on the history of the Trout Habitat Preservation
35 Project (THPP), performance for the fall 2016 monitoring season, and the annual
36 maintenance activities performed at the site.

37 **Manager Maule Miller moved, seconded by Manager Schwarze, to authorize**
38 **expenditure not to exceed \$6,839 from account 903-0001 (Trout Habitat**
39 **Preservation Project: Monitoring) to conduct THPP infiltration monitoring**
40 **and equipment purchase; and not to exceed \$2350 from account 948-0000**
41 **(CIP Maintenance) for vegetation management as described in the scope of**
42 **services. Motion carried, vote 5/0.**
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1 d) **2017 Clean Water Fund Grants**

2 **Manager Johnson moved, seconded by Manager Taillon, to authorize the**
3 **administrator to execute the agreement for both the Riparian Shading Study**
4 **and McKusick Road Stormwater Retrofit 2017 Clean Water Fund grant on**
5 **behalf of BCWD. Motion carried, vote 5/0.**
6

7 i) **Riparian Shading Study –scope – Board Action**

8 Olivia Sparrow presented the proposal to conduct a riparian shading study
9 along 2.5 miles of Brown’s Creek, to identify sites to implement thermal
10 buffer improvement projects.

11 **Manager Taillon moved, seconded by Manager Johnson not to exceed**
12 **\$68,000 from account 957-0001 (Brown’s Creek Thermal Study) to**
13 **conduct the Riparian Shading Study. Motion carried, vote 5/0.**
14

15 ii) **McKusick Road Stormwater Retrofit – Engineering Scopes – Board**
16 **Action**

17 Administrator Kill reported that the tasks to complete the design are
18 necessary prior to the grant execution and are ineligible for grant funds.

19 **Manager Maule Miller moved, seconded by Manager Johnson, to**
20 **authorize expenditure not to exceed \$3,918 from account 947-0012**
21 **(Brown’s Creek McKusick Road Stormwater Retrofit) for additional**
22 **work on the McKusick Road Stormwater Retrofit. Motion carried, vote**
23 **5/0.**
24

25 Administrator Kill noted the scope of construction services tasks are eligible
26 for grant funding and will be completed after the Clean Water Fund grant
27 execution. The project is tentatively scheduled to begin construction in the
28 summer of 2017.

29 **Manager Schwarze moved, seconded by Manager Maule Miller, to**
30 **authorize expenditure of \$13,593 from account 947-0012 (Brown’s**
31 **Creek McKusick Road Stormwater Retrofit) for construction service**
32 **tasks contingent upon complete execution of the grant agreement.**
33 **Motion carried, vote 5/0.**
34
35

36 Recess 8:42 – 8:49pm
37

38 7. **New Business**

39 a) **State Buffer Law and Applicability to BCWD – presentation Angela**
40 **Defenbaugh, WCD**

41 Angela Defenbaugh of the Washington Conservation District (WCD) provided an
42 overview of the Minnesota buffer program including roles and responsibilities, and
43 key dates. Ten parcels have been identified in BCWD for further buffer attention. The
44 WCD has sent a letter to eight of these landowners and so far, two have responded.
45 The WCD will provide technical assistance to landowners and perform compliance
46 tracking. Responsibility for potential enforcement still needs to be determined. March

1 31, 2017 is the deadline for watersheds to notify the Board of Water and Soil
2 Resources (BWSR) on intent regarding enforcement. November 1, 2017 is the date
3 buffers are required for lands adjacent to public waters. The Board discussed their
4 concerns with taking on enforcement authority, such as lack of funding for
5 enforcement and other potential disadvantages.

6 **Manager Leiser moved, seconded by manager Taillon, to direct legal counsel to**
7 **draft a letter declining to exercise jurisdiction to enforce the state buffer law**
8 **within the watershed district for Board consideration at the March 8, 2017**
9 **regular board meeting. Motion carried vote 5/0.**

10
11 **6. Projects**

12 **e) Rule Revision Process and Scope – Board Action**

13 The Board discussed the rule revision scope highlighting the importance of the
14 rule revision, but also the limitations of the budget. Administrator Kill suggested
15 that if the Board approved Task 1, staff could review further refine the list during
16 the partner meeting in March and come back to the board with a refined scope for
17 the additional tasks in April.

18 **Manager Leiser moved, seconded by Manager Taillon, to authorize**
19 **expenditure not to exceed \$6,628 for Task 1 engineering hours from account**
20 **909-0000 (Rules review/Evaluation) and not to exceed \$1,688 for Task 1 legal**
21 **hours from account 300-4410 (Legal Fees Management Plan)]. Motion**
22 **carried, vote 5/0.**

23
24 Administrator Kill asked the managers to identify a date for a Board Workshop on
25 the rule revisions. The date agreed on was April 6, 2017 at 5:30pm at the
26 Washington Conservation District.

27
28 **7. New Business (continued)**

29 **b) Manager Maule Miller request for Administrator time – Board Action**

30 Manager Maule Miller reported on a list of items that she wants to discuss with the
31 administrator to better perform her role as a manager. She noted the BCWD bylaws
32 require approval by the board to use more than 15 minutes of the administrator's time
33 and she is requesting 5 hours a month for up to half a year.

34 **Manager Schwarze moved, seconded by Manager Taillon, to approve 5 hours of**
35 **the administrator's time with manager Maule Miller per month for up to six**
36 **months. Motion carried, vote 5/0.**

37
38 **8. Old Business**

39 **a-d) 2017-18 Service Agreements**

40 **Manager Leiser moved, seconded by Manager Johnson, to accept the 2017-2018**
41 **two-year service agreements of: Dave S. McCord for accounting services, Abdo,**
42 **Eick and Meyers for auditing services, Emmons and Olivier Resources for**
43 **engineering services, and Smith Partners for legal services. Motion carried, vote**
44 **5/0.**

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2 **e) Approve Board Meeting Minutes - November 9, 2016 Regular Meeting**

3 Manager Maule Miller noted a correction to the current items payable rollcall vote.

4 The draft lists manager Pundsack and it should be changed to manager Maule Miller.

5 **Manager Schwarze moved, seconded by Manager Johnson, to approve the**
6 **minutes as amended. 5/0.**

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

8 **a) Administrator Updates**

9 Administrator Kill gave an update on permit activity: a 300-acre residential
10 development is proposed in Grant, she is working with legal counsel to amend the
11 declaration amendment for the Ponds of Heifort Hills to accurately show the lots with
12 non-conforming elevations, a section has been added to the website to address
13 frequently asked questions about current permits. She also noted a number of
14 education events being planned for 2017.

15
16 **b) Communications & Manager Reports**

17 President Leiser said he will be attending the Minnesota Association of Watershed
18 Districts (MAWD) annual board meeting, legislative breakfast, and day at the capitol.
19 MAWD is working on a number of initiatives including an omnibus water
20 management bill.

21
22 **c) March 2017 BCWD Board Agenda**

23 No items were suggested.

24
25 **10. Adjournment**

26 **Manager Johnson moved, seconded by Manager Maule Miller, to adjourn the**
27 **Regular Meeting at 10:09PM. Motion carried, vote 5/0.**

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29 Respectfully Submitted by

30 Carmen Simonet, Recorder and Gerald Johnson, Recording Secretary

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Gerald Johnson