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2 Approved Minutes of the Regular Meeting of the Brown's Creek Watershed District Board of  
3 Managers, Wednesday, February 10, 2021 at 6:30 PM  
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5 *Based on Brown's Creek Watershed District President Craig Leiser's determination pursuant to*  
6 *Minnesota Statutes 13D.021, subdivision 1, that it was not prudent to meet in person because of*  
7 *health concerns raised by the COVID-19 pandemic, the meeting was held electronically, via*  
8 *webcast.*

9  
10 ROLL CALL

<b>Managers Present:</b>	<b>Others Present:</b>
Craig Leiser, President	Karen Kill, Administrator
Gerald Johnson, Treasurer	Carmen Simonet, Recorder
Klayton Eckles, Vice President	Michael Welch, Smith Partners, BCWD counsel
Charles LeRoux, Secretary	Camilla Correll, EOR, BCWD engineer
	Cameron Blake, BCWD staff
	Paul Fritton, EOR, BCWD engineer
	Mike Majeski, EOR, BCWD engineer
	Sharon Schwarze, former BCWD manager
	Mark Guenther, Fenway Land Company
	David Harper
	Ben Ford, Rehder & Associates
	Kathryn and Jack Serier, Residents
	Celia Wirth, Resident
	Alex Juchartz
	Tony H.
	Jennifer Oswald

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12 1) **Call Regular Meeting to Order @ 6:30PM**  
13 President Leiser called the Regular Meeting to order at 6:30PM.  
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15 2) **Approve Regular Meeting Agenda and Discussion Agenda**  
16 **Manager Eckles moved, seconded by Manager Johnson, to approve the Regular**  
17 **Meeting agenda and discussion agenda as presented.**

	<u>Yea</u>	<u>Nay</u>	<u>Abstain</u>	<u>Absent</u>
<u>Manager Eckles</u>	<u>X</u>			
<u>Manager Johnson</u>	<u>X</u>			
<u>Manager Leiser</u>	<u>X</u>			

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1 Manager LeRoux X  
 2 Motion carried 4/0.

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 4 **3) Public Comments**

5 There were no public comments.  
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7 **4) Presentation of Service Award to former Board Manager Sharon Schwarze**

8 President Leiser recognized Sharon Schwarze with an award for service as a BCWD  
 9 manager from 2013-2020. The managers thanked her for her contribution to the  
 10 watershed and gave her a painting by a local artist of the Brown's Creek stone arch  
 11 bridge.  
 12

13 **5) Consent Agenda**

14 Manager Johnson moved, seconded by Manager LeRoux, to approve the consent  
 15 agenda:

- 16 • Approve minutes from January 13, 2021 Annual & Regular Meeting as  
 17 presented.
- 18 • Accept the permit fee statement as presented.
- 19 • Approve the 2021 newsletter scope not to exceed \$3,100 from account 910-  
 20 0000 (Education & Outreach).
- 21 • Approve Oak Glen reuse sign design and procurement scope not to exceed  
 22 \$5,918 from account 910-0000 (Education & Outreach).
- 23 • Approve 2021 macroinvertebrate monitoring and assessment scope not to  
 24 exceed \$5,931 from account 947-0018 (Brown's Creek - Biological Survey  
 25 Macroinvert).
- 26 • Approve weather station scope for 2021 monitoring season not to exceed  
 27 \$3,053 from account 903-0001(Trout Habitat Preservation Project:  
 28 Monitoring).
- 29 • Approve the 2021 THPP monitoring and vegetation management scopes  
 30 from account 903-0001(Trout Habitat Preservation Project: Monitoring) not  
 31 to exceed: \$5,120 for equipment and monitoring in the Basin 1-3 complex,  
 32 \$4,204 for a prescribed burn, \$1,072 for removal of wood invasive species,  
 33 and \$3,786 for equipment and monitoring lake levels at Goggins Lake.

	Yea	Nay	Abstain	Absent
34 <u>Manager Eckles</u>	X			
35 <u>Manager Johnson</u>	X			
36 <u>Manager Leiser</u>	X			
37 <u>Manager LeRoux</u>	X			
38 <u>Motion carried 4/0.</u>				

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6) **Treasurer’s Report**

a) **Review Authorized Funds Spreadsheet**

Administrator Kill presented the authorized funds spreadsheet.

**Manager Johnson moved, seconded by Manager Eckles, to approve the authorized funds spreadsheet as presented.**

	<b>Yea</b>	<b>Nay</b>	<b>Abstain</b>	<b>Absent</b>
<b>Manager Eckles</b>	<b>X</b>			
<b>Manager Johnson</b>	<b>X</b>			
<b>Manager Leiser</b>	<b>X</b>			
<b>Manager LeRoux</b>	<b>X</b>			
<b><u>Motion carried 4/0.</u></b>				

b) **Current Items Payable – Board Action**

**Manager Johnson moved, seconded by Manager LeRoux, to approve payment of bills as presented in the amount of \$121,547.80.**

	<b>Yea</b>	<b>Nay</b>	<b>Abstain</b>	<b>Absent</b>
<b>Manager Eckles</b>	<b>X</b>			
<b>Manager Johnson</b>	<b>X</b>			
<b>Manager Leiser</b>	<b>X</b>			
<b>Manager LeRoux</b>	<b>X</b>			
<b><u>Motion carried 4/0.</u></b>				

7) **Permits**

a) **BCWD Permit #19-01 Marylane Meadows Amendment and Financial Assurance Reduction – Board Action**

Karen Kill introduced the request for amendment to the Marylane Meadows permit and stated Mark Guenther, the applicant, is present. The request is to eliminate the decompaction required by the approval and instead provide additional stormwater treatment by changing the outlet structure. The original permit required a maintenance declaration, but the city of Stillwater has agreed to take over the maintenance and has sent her a letter of confirmation. Michael Welch said the amendment should document this change.

Paul Fritton, EOR reported on the proposed amendment. Marylane Meadows is a 7-acre single-family residential re-development located on Marylane Avenue. The site is within the diversion drainage subwatershed; and since the initial approval of the permit, BCWD has updated its rules for this area. The amendment has been reviewed against the new rules. The amendment meets the rules except for a slight increase in the runoff rate at one discharge point. The aggregate rate from the three site discharge points still meets the rate-control standard where the drainage points come together, consistent with the variance that was granted for the original permit. The city of Stillwater has confirmed the Marylane Drainage Improvement Project, where the site drainage will flow, has sufficient capacity to handle the additional runoff.

1 The managers and staff discussed decompaction as a stormwater management  
 2 practice and acknowledged that it has been difficult to implement successfully.  
 3

4 President Leiser asked if there were any questions. Jack Serier said he lives on  
 5 Marylane Avenue and is interested to learn about best practices that can be done  
 6 along the street. Administrator Kill will contact him with information.  
 7

8 Mark Guenther thanked the managers for considering the amendment request. He  
 9 said trying to decompact the soils would be difficult for the builders who are also  
 10 trying to preserve the many trees on the site.

11 **Manager Eckles moved, seconded by Manager Johnson, to approve the permit**  
 12 **amendment with the conditions and stipulations in the report for permit 19-01**  
 13 **Marylane Meadows.**

	Yea	Nay	Abstain	Absent
<b><u>Manager Eckles</u></b>	<b><u>X</u></b>			
<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 LeRoux</u></b>	<b><u>X</u></b>			

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 18 **Motion carried 4/0.**  
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 21 Paul Fritton EOR reviewed the request for financial assurance reduction for permit  
 22 19-01. Recommendation to approve the financial assurance reduction is based on  
 23 construction of stormwater structures and final stabilization of 5 of 11 lots. As-builts  
 24 were reviewed to confirm construction was consistent with approved plans.  
 25 Remaining work is estimated at \$45,480 based on potential restoration of north lobe  
 26 of infiltration basin, mobilization, and vegetation establishment costs.

27 **Manager Johnson moved, seconded by Manager LeRoux, to approve the**  
 28 **financial assurance reduction in the amount of \$64,523 to a remaining amount**  
 29 **held by BCWD of \$45,480 for permit 19-01 Marylane Meadows.**

	Yea	Nay	Abstain	Absent
<b><u>Manager Eckles</u></b>	<b><u>X</u></b>			
<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 LeRoux</u></b>	<b><u>X</u></b>			

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 34 **Motion carried 4/0.**  
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 37 **b) BCWD Permit 21-02 Stillwater Evangelical Church – Board Action**

38 Paul Fritton, EOR reported on the Stillwater Evangelical Church permit application  
 39 for a building addition and reconfiguration of the parking lot. The site is 3.67 acres  
 40 with 43% of the site being impervious. Runoff from the site drains to the east to a  
 41 Manage 2 wetland and continues into the South Central Tributary to Brown’s Creek,  
 42 both of which are groundwater dependent resources. Stormwater management is to  
 43 be provided by the turf area to which the disturbed area drains. To meet the  
 44 stormwater management volume control, 2,050 square feet is required for onsite  
 45 retention of runoff. A maintenance declaration for this required greenspace is a  
 46 condition.

1 President Leiser asked if there were any questions. Ben Ford, the permit applicant  
2 asked for clarification on what is needed in the declaration. Ms. Kill said the BCWD  
3 declaration template does not have maintenance terms for this type of situation,  
4 where greenspace needs to remain open as an infiltration area. She offered to work  
5 with him to develop the necessary terms for the declaration. Manager Eckles asked  
6 why the declaration was even needed. The administrator noted the project triggers  
7 the minimum impact design standards used in the diversion drainage area. Michael  
8 Welch added the rules are triggered because of the aggregate amount of impervious  
9 area on the site in light of the fact that it drains to a groundwater dependent natural  
10 resource.

11  
12 Dave Harper is a member of the church and asked about the \$3,000 stormwater  
13 management fee. Ms. Kill clarified it is permit fee deposit used for review and  
14 inspections.

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16 Manager Eckles voiced his concern over the cost of the permit fees on a project that  
17 is removing impervious surface. Manager LeRoux agreed. Ms. Kill noted the MIDS  
18 rules are what we are following and this is an unexpected scenario. Michael Welch  
19 said he does not recommend waiving rule requirements.  
20

21 **Manager Eckles moved, seconded by Manager LeRoux, to approve the permit**  
22 **application with conditions and stipulations outlined in the engineer’s report**  
23 **with the following exceptions: remove the condition for the maintenance**  
24 **declaration, and cap the permit fees at \$1,000 with no future replenishment**  
25 **required.**

	<u>Yea</u>	<u>Nay</u>	<u>Abstain</u>	<u>Absent</u>
<u>Manager Eckles</u>	<u>X</u>			
<u>Manager Johnson</u>	<u>X</u>			
<u>Manager Leiser</u>	<u>X</u>			
<u>Manager LeRoux</u>	<u>X</u>			
<u>Motion carried 4/0.</u>				

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33 **8) Projects**

34 **a) Diversion Drainage Stabilization**

35 **(1) Public Hearing**

36 President Leiser recessed the regular meeting at 7:39pm and opened the public  
37 hearing for the proposed diversion drainage stabilization project.

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39 Mike Majeski, EOR reported on the scope of the project. Rock check dams are  
40 distributed over the diversion tributaries to raise the level of the water in the  
41 streams and reconnect them with the floodplain. The locations for the rock  
42 checks have been refined to minimize the need to secure land-access and -use  
43 agreements with private landowners.  
44

Next steps include completion of construction documents, permits, and implementing project construction. Construction is expected in the summer/fall 2021 though this could shift to the winter if needed.

President Leiser asked if there was any public comment on the proposed project. There was no comment. President Leiser closed the public hearing at 7:48pm and called the regular meeting back to order.

Manager Eckles said he plans to abstain because his property is included in the project area.

**(2) Resolution 21-01 Order Project – Board Action**

**Manager Johnson moved, seconded by Manager LeRoux, to adopt resolution 21-01 – ordering the Tributary Restoration Project and directing and authorizing other necessary actions to implement the project and to authorize engineering expenditure of not to exceed \$26,838 to complete project design, construction management and oversight, and project close-out from account 959-0002 (Resource Assessment - Diversion Tribs - Head cut Repairs).**

	Yea	Nav	Abstain	Absent
<u>Manager Eckles</u>			X	
<u>Manager Johnson</u>	X			
<u>Manager Leiser</u>	X			
<u>Manager LeRoux</u>	X			
<u>Motion carried 3/0/1</u>				

**9) Planning**

**a) Lower St. Croix 1W1P 2021-22 Workplan – Board Action**

**Manager Eckles moved, seconded by Manager Johnson, to approve the 2021-22 workplan for the Lower St. Croix 1W1P implementation.**

	Yea	Nav	Abstain	Absent
<u>Manager Eckles</u>	X			
<u>Manager Johnson</u>	X			
<u>Manager Leiser</u>	X			
<u>Manager LeRoux</u>	X			
<u>Motion carried 4/0.</u>				

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

**a) Updates**

**(1) Administrator**

- Ms. Kill said along with engineering and legal, she is looking at steps to make the regulatory process more efficient and to improve communication with applicants.
- There's been a number of new development inquiries.

1                   **(2) Legal**

2                   Michael Welch said both Washington County and Stillwater and have had  
3                   changes in their legal staffing and BCWD is well situated to continue to work  
4                   effectively with both.  
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6                   **(3) Engineer**

7                   No additional reports were made.  
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9                   **(4) Managers**

10                  President Leiser said he's been in regular contact with the county commissioners  
11                  on filling the Board vacancy and is hopeful a new manager will be in place by  
12                  March. Celia Wirth a resident of Grant and has been attending the BCWD  
13                  meetings on a regular basis and has submitted an application for the position.  
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15                  **c) March 2021 Regular BCWD Board Agenda**

16                  No items were suggested.  
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18                  **11) Adjournment**

19                  **Manager Johnson moved, seconded by Manager Leiser, to adjourn the Regular**  
20                  **Meeting at 8:05PM. Motion carried. Vote 4/0.**  
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22                  Respectfully Submitted by

23                  Carmen Simonet, Recorder and Charles LeRoux, Recording Secretary