



1
2 Approved Minutes of the Regular Meeting of the Brown's Creek Watershed District Board of
3 Managers, Wednesday, February 12, 2020 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, 2 nd Vice President	Carmen Simonet, Recorder
Gerald Johnson, Treasurer	Michael Welch, Smith Partners, BCWD counsel
Klayton Eckles, 1 st Vice President	Camilla Correll, EOR, BCWD engineer
Charles LeRoux, Secretary	Cameron Blake, BCWD staff
	Ryan Fleming, EOR, BCWD engineer
	Mike Majeski, EOR, BCWD engineer
	Brett Emmons, EOR, BCWD engineer arrived 7:38pm
	Celia Wirth, Resident
	Dan Parks, Westwood
	Mark Lambert, Summit Management
	Maureen Hoffman, Washington County

- 9
10 **1) Call Regular Meeting to Order @ 6:30PM**
11 Manager Leiser called the Regular Meeting to order at 6:30PM.
12
13 **2) Approve Regular Meeting Agenda and Discussion Agenda**
14 **Manager Johnson moved, seconded by Manager Schwarze, to approve the Regular**
15 **Meeting agenda and discussion agenda as presented. Motion carried, vote 4/0.**
16
17 **3) Oath of Office – Charles LeRoux & Craig Leiser**
18 Michael Welch, Smith Partners administered the oath of office to Craig Leiser and
19 Charles LeRoux.
20
21 **4) Public Comments**
22 There were no public comments.
23
24
25

1 5) **Consent Agenda**
2 **Manager Eckles moved, seconded by Manager Johnson, to approve the consent**
3 **agenda:**

- 4 • **Approve minutes from January 8, 2020 Annual and Regular Meeting as**
5 **presented.**
- 6 • **Accept the permit fee statement as presented.**
- 7 • **Appoint Anne Maule Miller to the Citizen Advisory Committee.**
- 8 • **Approve Manager per diem and expenses and Administrator attendance and**
9 **expenses to attend the MAWD Legislative Event March 18-19, 2020.**
- 10 • **Approve Liability coverage waiver form to not waive monetary limits**
11 **established by MN Statutes Section 466.04.**
- 12 • **Approve education materials and newsletter scope.**
- 13 • **Approve Minnesota Native Landscapes pay requests #3 and #4 for headcut**
14 **repair project.**
- 15 • **Authorize the administrator to execute an amendment of the existing**
16 **Washington Conservation District contract.**

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

18
19 6) **Treasurer’s Report**

20 a) **Review Authorized Funds Spreadsheet**

21 Administrator Kill presented the authorized funds spreadsheet noting there were no
22 changes from the January spreadsheet.

23 **Manager Johnson moved, seconded by Manager Schwarze, to approve the**
24 **authorized funds spreadsheet as presented. Motion carried, vote 5/0.**

25
26 b) **Current Items Payable – Board Action**

27 **Manager Johnson moved, seconded by Manager Schwarze, to approve payment**
28 **of bills as presented in the amount of \$112,437.87.**

	Yea	Nay	Abstain	Absent
<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>Manager Schwarze</u>	<u>X</u>			

35 **Motion carried 5/0.**

36
37 Treasurer Johnson reported a total balance of \$1,196,772.13 after payables.

38 **Manager Schwarze moved, seconded by Manager Eckles, to accept the treasurer’s**
39 **report. Motion carried, vote 5/0.**

40
41 7) **Board Appointments – Board Action**

42 a) **Election of Officers**

43 Michael Welch, Smith Partners reported that he the bylaws with revisions adopted at
44 the December meeting that require the signature of the secretary. Manage Maule
45 Miller was the secretary at the time. A manager with knowledge of the bylaws
46 changes should be appointed secretary for purposes of certification.

1 **President Leiser moved, seconded by Manager Johnson, to appoint Manager**
2 **Schwarze as secretary pro tem. Motion carried, vote 5/0. Manager Schwarze**
3 **signed the bylaws as adopted December 11, 2019.**

4
5 **Manager Johnson moved, seconded by Manager Schwarze, to elect Craig Leiser,**
6 **President; Sharon Schwartz, Second Vice President; Gerald Johnson,**
7 **Treasurer; Klayton Eckles, First Vice President; and Charles LeRoux,**
8 **Secretary. Motion carried, vote 5/0.**
9

10 **b) Community Liaisons**

11 The managers reviewed and filled the community liaison positions:

- 12 • City of Grant – Manager Leiser
- 13 • City of Hugo – Manager Eckles
- 14 • City of Lake Elmo – Manager Eckles
- 15 • May Township – Manager Johnson
- 16 • City of Oak Park Heights – Manager LeRoux
- 17 • City of Stillwater – Manager Johnson
- 18 • Stillwater Township – Manager Schwarze

19 **Manager Eckles moved, seconded by Manager Johnson, to approve the**
20 **community liaison positions. Motion carried, vote 5/0.**

21
22 **c) Subcommittee Appointments**

23 The managers reviewed and filled the subcommittee appointments:

- 24 • Citizen Advisory Committee Liaisons – Sharon Schwarze and Charles
- 25 LeRoux as alternate
- 26 • Technical Advisory Committee Liaison – Klayton Eckles
- 27 • East Metro Water Resources Education Program Liaison – Administrator
- 28 primary, Board Manager Gerald Johnson as necessary
- 29 • Best Management Practices Program Subcommittee – Gerald Johnson
- 30 • Bylaws and Policies – Sharon Schwarze
- 31 • MAWD Board Liaison – Craig Leiser
- 32 • Metro MAWD Liaison – Craig Leiser; alternate Charles LeRoux
- 33 • Lower St Croix One Watershed One Plan - Craig Leiser; alternate Klayton
- 34 Eckles

35 **Manager Eckles moved, seconded by Manager Johnson, to approve the**
36 **subcommittee appointments. Motion carried, vote 5/0.**
37

38 **8) Projects**

39 **a) Rule Revision initiated January 10, 2020**

40 **(1) Public Hearing**

41 President Leiser recessed the regular meeting at 6:58pm and opened the public
42 hearing for the rule revision. The public hearing was recorded. Administrator
43 Kill reported the 45-day review period for the draft rule amendment began
44 January 10, 2020. President Leiser asked for public comment:

- Dan Parks, Westwood said he likes the changes to the rules. They seem reasonable and more consistent with the neighboring communities and commended the Board for taking these actions.
- Mark Lambert, Summit Management agreed with Mr. Parks' comments.

Manager Eckles commented that in recent years many communities have adopted the Minimal Impact Design Standards (MIDS) to achieve the water quality goals of the state. BCWD's rules are more protective of Brown's Creek, a trout stream. This rule revision adopts MIDS for a portion of BCWD that doesn't drain directly to the creek. At some point, BCWD may evaluate the use of MIDS for the rest of the watershed.

No other comments were offered.

President Leiser declared the public hearing closed at 7:04pm and called the regular meeting back to order.

(2) Freshwater Report – December 2019 Stakeholder Meeting

Administrator Kill reported the Freshwater summary of stakeholder feedback was distributed to the participants in the December 2019 stakeholder meeting. She asked the managers if they had any questions. President Leiser commented that he found working with Freshwater and the stakeholders an effective process in revising the rules. Manager Eckles noted the feedback in the report appears well distributed on both sides of the issues, indicating the rule revision is a good compromise.

(3) Regional Project Ideas – Update

Ryan Fleming, EOR reported he has been reviewing flooding risks in the areas that drain into Long Lake and is comparing the flood model used by BCWD with the model used by the City of Stillwater. Administrator Kill noted the next step is to bring this information back to Stillwater to see what level of risk they are comfortable with and to identify options to reduce flooding impacts.

Manager Eckles described a flood relief grant program used by the City of Woodbury. Homes subject to flooding were eligible for the cost share grant and funds had to be used on modifications that addressed the flood risk. Administrator Kill will follow-up with Woodbury to learn more about the program.

Manager Schwarze asked a question regarding who is responsible when flooding happens. Michael Welch described the common law reasonable use doctrine, which generally makes property owners responsible to discharge runoff onto neighboring property only to the degree that doing so is reasonable.

Recess 7:45pm – 7:50pm

1 **b) Hwy 15/36 Interchange – Reuse Update and Discussion**

2 Brett Emmons, EOR gave an update on the potential water reuse project with
3 Washington County, MnDOT, and the Applewood Golf Course utilizing stormwater
4 runoff from the proposed interchange at Manning Avenue and Highway 36 to
5 irrigate the golf course. The County and MnDOT are interested in the project from a
6 cost savings standpoint, but want to know the final costs before agreeing to proceed
7 with the design of the interchange-redevelopment project that would be required to
8 facilitate the reuse system. The golf course is interested in the project from a
9 conservation standpoint and are willing to take on the day to day maintenance but
10 they are not okay with any long term maintenance such as pump or pipe
11 replacement. These issues and other details need to be worked out before there is an
12 agreement among the potential partners. Administrator Kill said Washington County
13 expects to have their drawings at 60% completion in April.
14

15 Manager Eckles stated his support for the project and noted BCWD needs to make
16 sure that chloride from the interchange will not be an issue. Mr. Emmons responded
17 to a question from Dan Parks about salt and its impact on vegetation. The engineer
18 noted the first flush in spring is concentrated with chloride but this occurs when
19 grass is dormant. After the first flush the concentration level is typically back to
20 normal.
21

22 Michael Welch, Smith Partners said the framework he was envisioning for the
23 agreement was a comprehensive regional agreement but the county has indicated
24 neither it nor the Minnesota Department of Transportation will enter such an
25 agreement, so another arrangement of rights and responsibilities will need to be
26 made, along with the permitting of the road project. He noted that the difficulty
27 presented is that combining BCWD efforts to facilitate the reuse project with the
28 requirement that the road project meet BCWD regulatory requirements makes it
29 more complicated to show that BCWD is not providing compliance for an applicant.
30 President Leiser voiced his support for the innovative project and stressed that
31 BCWD needs to encourage a solution that all the stakeholders can work with. The
32 managers indicated that they understood the uncertainties presented, but concurred
33 in staff's continuing to work with the county to find a workable approach to
34 combining the reuse project with regulatory compliance for the road project.
35

36 **c) Iron Enhanced Sand Filter Project**

37 **(1) 2019 Performance Summary**

38 Ryan Fleming, EOR reported on the 2019 performance of the iron enhanced sand
39 filter at Settlers Glen and provided recommendations for management and
40 monitoring in 2020. The filter has been in operation for six years. The total
41 phosphorus removal for 2019 was higher than past years due to a number of
42 factors including 2019 being the wettest year since the filter was installed
43 resulting in more phosphorus for the filter to treat.
44

45 Recommendations for 2020 maintenance include monthly rather than annual
46 aerating and raking of the filter surface, vegetation management, pump

1 maintenance, stabilizing the channel both upstream and downstream of the pond,
2 and to reduce the monitoring scope to periodic sampling.
3

4 **(2) 2020 Operation and Maintenance**

5 **(a) Select contractor for the iron enhanced sand filter project tributary
6 maintenance and authorize administrator to contract – Board Action**

7 Ryan Fleming, EOR reported that a request for maintenance services on the
8 iron enhanced sand filter was distributed to six contractors in December and
9 two contractors submitted quotes. He re-issued the request to eleven more
10 contractors and received four quotes. The engineer's estimate for filter
11 maintenance was \$14,000 and the low quote came in at \$19,030.
12

13 The managers asked when the larger tributary restoration project will occur.
14 Administrator Kill reported it will be at least a year or more due to the public
15 outreach component.

16 **Manager Eckles moved, seconded by Manager Schwarze, to accept the
17 quote from Minnesota Native Landscapes and authorize not to exceed
18 \$19,030 and up to 15% aggregate change order authority to the
19 administrator from account 948-0000 (CIP maintenance). Motion
20 carried, vote 5/0.**
21

22 **(b) Engineer Budget Scope – Board Action**

23 **Manager Schwarze moved, seconded by Manager Johnson, to authorize
24 expenditure not to exceed \$16,036 from account 948-0000 (CIP
25 Maintenance) for the 2020 operation and maintenance of the iron
26 enhanced sand filter. Motion carried, vote 5/0.**
27

28 **d) Biological Monitoring**

29 **(1) 2019 Data summary – Presentation Mike Majeski, EOR**

30 Mike Majeski, EOR presented the results of a macroinvertebrate survey of
31 Brown's Creek for 2019. He reviewed the trends from 2015-2019 indicating an
32 upward trend in stream health and invertebrate quality.
33

34 **(2) 2020 Biological Monitoring Scope – Board Action**

35 Manager Eckles questioned whether BCWD is collecting more data than are
36 needed to see the overall trends. Administrator Kill acknowledged the ongoing
37 need to assess monitoring activities. President Leiser noted the value of having
38 good data for successful grant proposals.

39 **Manager Eckles moved, seconded by Manager Schwarze, to authorize not to
40 exceed \$7,775 from account 947-0018 (Brown's Creek - Biological Survey
41 (Macroinvert)) to conduct the 2020 macroinvertebrate assessment. Motion
42 carried, vote 5/0.**
43

44 **e) Trout Habitat Preservation Project (THPP)**

45 **(1) 2019 Data summary – Presentation Mike Majeski, EOR**

1 Mike Majeski, EOR reported on the monitoring and management of the Trout
2 Habitat Preservation Project (THPP) in 2019. The THPP was constructed to
3 alleviate high water conditions in the Goggins/School Section lakes system while
4 protecting trout in Brown's Creek.
5

6 Last spring, Goggins Lake reached the outlet elevation and began discharging into
7 the THPP system until mid-summer. At that time, high water temperatures were
8 recorded at the THPP outlet and the gate valve at the Goggins Lake outlet was
9 closed to protect trout in Brown's Creek. Following large rain events in late
10 summer and fall, the gate valve was re-opened to reduce flooding concerns for
11 landowners on Goggins Lake. Water temperatures at the THPP outlet stayed well
12 below the 73 degrees threshold needed for trout. The gate valve remains open in
13 preparation for spring snowmelt in 2020.
14

15 **(2) 2020 Scope – Board Action**

16 Mike Majeski, EOR presented a scope of services for monitoring outlet flows and
17 temperatures during discharge events at the THPP for 2020 and for a prescribed
18 burn to manage vegetation on the site.

19 **Manager Schwarze moved, seconded by Manager LeRoux, to authorize**
20 **expenditure of \$5,015 from account 903-0001 (Trout Habitat Preservation**
21 **Project: Monitoring) for 2020 monitoring activity and \$4,204 from account**
22 **948-0000 (CIP Maintenance) for a prescribed burn with a subcontract to PRI**
23 **at the THPP site. Motion carried, vote 5/0.**
24

25 **f) Weather Station – 2019 Data Use and 2020 Scope – Board Action**

26 Mike Majeski, EOR reported on the weather station monitoring program and
27 presented a scope of services for 2020 monitoring activity. The station collects data
28 every 15 minutes from spring through fall and is used in modeling efforts by BCWD
29 and is routinely shared with the Washington Conservation District and University of
30 Minnesota.

31 **Manager Schwarze moved, seconded by Manager Johnson, to authorize**
32 **expenditure not to exceed \$4,114 from account 957-0000 (Thermal Monitoring /**
33 **Weather Station) for the collection and review of weather station data for 2020**
34 **monitoring season and to transfer \$614 from account 300-4640 (Equip. Maint.**
35 **And Upgrades) into account 957-0000. Motion carried, vote 5/0.**
36

37 **9) Discussion Agenda – No Action Required**

38 **a) Administrator Updates: CR15/36 Interchange Reuse, Oak Glen Reuse, Spring**
39 **Flood Planning, CAC Meeting update**
40

41 **b) Communications & Manager Reports**

42 President Leiser stated that he plans on attending the MAWD Legislative day at the
43 Capitol in March.
44

45 Dan Parks, Westwood gave an update on the Central Commons project, noting that he
46 anticipates grading to begin this fall. He asked the managers if they would allow a

1 submittal to staff for approval on a revised stormwater manager plan with the
2 intention to revise the plan from meeting pre-settlement rates to matching existing
3 rates. President Leiser was receptive to the idea but determined it needs more
4 discussion before a final decision. Manager Eckles stated that several variances were
5 granted and he would be interested to see how the design could change with a smaller
6 stormwater pond, for instance to accommodate a full buffer width. Legal counsel
7 stated that the Board could delegate review of permit amendments to the
8 Administrator, but it should be done by resolution prepared for the purpose to ensure
9 accuracy and clarity. The managers indicated that they did not wish to take up the
10 matter late in the meeting.

11
12 **10) Adjournment**
13 **Manager Johnson moved, seconded by Manager Eckles, to adjourn the Regular**
14 **Meeting at 9:50 PM. Motion carried, vote 5/0.**
15

16 Respectfully Submitted by
17 Carmen Simonet, Recorder and Charles LeRoux, Recording Secretary