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2 Approved Minutes of the Regular Meeting of the Brown's Creek Watershed District Board of  
3 Managers, Wednesday, March 10, 2021 at 6:30 PM  
4

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

Managers Present:	Others Present:
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
	Kevin Biehn, EOR, BCWD engineer
	Bill Howell, Lakes of Stillwater
	Arthur Shelley
	Brandon Enerson
	Brian Kallio, Wenck Associates
	Don and Kay Peterson, Residents
	Celia Wirth, Resident
	Del Miske, Resident
	Gary Jacobsen
	[no first name given] Pizinger, Resident
	Dan MacSwain, Resident
	Traci Thompson, Resident
	Elden [no last name given], Resident
	Shane Goodman

- 11  
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 Johnson moved, seconded by Manager LeRoux, to approve the Regular**  
17 **Meeting agenda and discussion agenda as presented.**

	Yea	Nav	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>Motion carried 4/0.</u>				

3) **Public Comments**  
There were no public comments.

4) **Consent Agenda**  
Michael Welch, Smith Partners noted item 4f) is to authorize EOR to subcontract with Natural Shores Technology to perform vegetation management.

**Manager LeRoux moved, seconded by Manager Eckles, to approve the consent agenda:**

- **Approve minutes from February 10, 2021 Annual & Regular Meeting as presented.**
- **Accept the permit fee statement as presented.**
- **Authorize administrator to contract for the installation of a well flow meter at Oak Glen Golf Course not to exceed \$5,500 from account 947-0023 (Brown's Creek - Golf Course Reuse - Oak Glen), approve the repair of the existing BCWD level logger not to exceed \$500 from account 300-4640 (Equip. Maint. And Upgrades), and authorize amendment of the Washington Conservation District service agreement to include Oak Glen pond level monitoring not to exceed \$1,170 from account 300-4710-1 (Baseline Monitoring).**
- **Approve monitoring equipment scope not to exceed \$12,500 from account 300-4640 (Equip. Maint. And Upgrades).**
- **Approve gorge bluff survey scope not to exceed \$5,980 from account 947-0020 (Brown's Creek - Stream Channel Survey).**
- **Authorize EOR to subcontract with Natural Shores Technologies for 2021 vegetative maintenance for not to exceed \$15,210, \$3,000 funded from account 953-0000 (Fen Management Plan Implementation) and \$12,210 from account 948-0000 (CIP Maintenance).**

	Yea	Nav	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>Motion carried 4/0.</u>				

5) **Treasurer's Report**  
a) **Review Authorized Funds Spreadsheet**  
Administrator Kill presented the authorized funds spreadsheet.

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

2           **Manager Johnson moved, seconded by Manager LeRoux, to approve payment of**  
3           **bills as presented in the amount of \$52,141.84.**

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

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11       **6) Permits**

12       **a) BCWD Permit #17-04 The Lakes at Stillwater Senior Living Development**  
13       **Amendment – Board Action**

14       Paul Fritton, EOR reported on an application for a permit amendment and variance  
15       request for the Lakes at Stillwater, a senior living community between 75th Street  
16       and Long Lake. The applicant is proposing to construct an Americans With  
17       Disabilities Act accessible bituminous walking trail, through the open space on the  
18       east side of the property. A portion of the path traverses a wetland buffer established  
19       under a prior approval. The proposal includes a swale downgradient of the path to  
20       capture and infiltrate runoff. The variance is requested because of the impervious  
21       surface proposed within the wetland buffer, which is prohibited under subsection  
22       4.4.2 of BCWD’s buffer rule and the maintenance declaration recorded to fulfill a  
23       condition of a prior approval. The use of a pervious hard surface for the trail was  
24       reviewed and the BCWD engineer agrees with the applicant that in this location a  
25       porous trail is not reasonably feasible due to concerns over debris clogging, which  
26       would likely result in the trail acting as impervious surface and may cause cracking  
27       and heaving of the trail surface creating unsafe conditions for trail users.

28  
29       The applicant has identified a number of benefits to the community including access  
30       to nature with native plants and wildlife, the trail will be open to public use, there  
31       will be educational opportunities and can be used by the students of the nearby  
32       elementary school.

33  
34       Discussion:

- 35       • Traci Thompson asked about the proposed trail location. Paul Fritton said it  
36       begins at the east end of Bridgewater Way, traverses down the slope of the  
37       wetland buffer to the foot bridge, continues through the buffer until it reaches  
38       the peninsula-shaped open space and loops around the outside of the wetland  
39       buffer.
- 40       • Manager Eckles asked how the public will access the trail. Bill Howell,  
41       representing the applicant, said it will tie into the city trail system at the  
42       county road and follow Bridgewater Way to the trail. They plan to add a  
43       second access point off 72<sup>nd</sup> Street, to be determined once the project moves  
44       forward.

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- Dan McSwain is a neighbor and he commented on the positive aspects of the project connecting people to nature. He also asked about the bridge and water quality.
- Michael Welch provided some context on the bridge. It was placed on the property by the prior landowner. It is considered an existing condition and not part of this permit. Paul Fritton said EOR has looked at the bridge and found that the footings are outside of the flowage. President Leiser noted the city has discussed paving 72<sup>nd</sup> Street and this would help reduce any sediment runoff into the pond. Bill Howell concurred and noted the city has not made a decision on whether to proceed.
- Mr. McSwain thanked BCWD for the notification about this project in his neighborhood. He also appreciates the virtual meeting and would otherwise find it difficult to attend.
- Traci Thompson asked about the project schedule. Brian Kallio of Wenck Associates, representing the applicant, said construction should take between 2 and 4 weeks. The start date is unknown at this time.
- Don Peterson asked about the restoration plan. Bill Howell stated that the plan is to restore the site and vegetation through grading and seeding to make it look as untouched as possible.
- Manager Eckles voiced his support for the project. He likes the educational component and the potential for showcasing the use of native vegetation such as with a pollinator garden. Bill Howell fully supports this idea and is willing to work with BCWD to make this happen.
- Del Miske is a member of Grace Baptist Church and in charge of the grounds. He commented the Lakes development is an excellent neighbor and agrees that the addition of this nature trail will contribute to the health and happiness of the community.

**Manager Eckles moved, seconded by Manager LeRoux, to approve the amendment of permit 17-04 and variance request with the conditions and stipulations outlined in the engineer’s report and with an additional condition that the applicant provide a detailed planting and educational plan for staff review and input.**

	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>			
<b><u>Motion carried 4/0.</u></b>				

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

**a) Updates**

**(1) Administrator**

**(a) Long Lake Community Meeting Updates and Next Steps**

Karen Kill reported on the Long Lake community meeting held last month, reviewed the notes from the meeting, the survey results, and potential next

1 steps. Don Peterson said he attended the Long Lake meeting and BCWD  
2 staff did an excellent job.

3  
4 The managers discussed the issues in modifying the outlet structure on Long  
5 Lake, the history and controversy with changing the water level. The  
6 managers agree BCWD should take the lead and set up a joint meeting with  
7 the city council to show them the studies and potential options that BCWD  
8 has developed and see if they are willing to work with BCWD to address  
9 flood risks around the lake.

10  
11 The managers agree BCWD should proceed with developing a flood relief  
12 grant program for the larger watershed and a scope for modifying the pond  
13 outlet at 62<sup>nd</sup> street. Karen Kill noted she will talk with the city about  
14 scheduling a meeting and beginning a conversation on the grant program, and  
15 will have scopes prepared for developing the grant program and the 62<sup>nd</sup>  
16 Street pond project.

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18 **(b) 2021 Work Planning**

19 Karen Kill noted BCWD is midway through its 10-year management plan  
20 and asked the managers if they were interested in having a workshop with the  
21 Citizen Advisory Committee to review what they've accomplished and  
22 what's ahead. All the managers expressed support for a strategic planning  
23 session and to hold off until the new manager is in place. Ms. Kill will send  
24 out potential dates and times for a June special meeting.

25  
26 **(c) Nine Element Plan**

27 Ms. Kill said the nine element plan is prepared mostly by the Minnesota  
28 Pollution Control Agency with some assistance by BCWD staff. The purpose  
29 is to make sure grant funding awarded to BCWD is effectively used to  
30 implement the watershed management plan.

31  
32 **(d) Smart Irrigation Controller 2020 Program Update**

33 Ms. Kill noted BCWD participated in the 2020 cost share program led by the  
34 city of Stillwater for smart irrigation controllers. The program was run by an  
35 outside consultant and of the 100 controllers installed, 80 were in BCWD.  
36 She is not aware if the program will be extended.

37  
38 *(President Leiser departed, 8:00 p.m.)*

39  
40 **7) Projects**

41 **a) Mendel wetland Survey Update and Groundwater Evaluation Scope – Board**  
42 **Action**

43 Kevin Biehn, EOR reported on the Mendel wetland survey. Mendel wetland is a  
44 large bog and fresh meadow wetland complex altered by a private drainage ditch that  
45 runs through it and drains directly to Brown's Creek. The bog contains tamarack and  
46 sphagnum moss as well as large areas of invasive glossy buckthorn, degrading the

1 wetland. The ditch is draining a large portion of the wetland causing sinking of the  
 2 peat and creating a favorable environment for the glossy buckthorn to colonize.  
 3 Blocking the ditch would maintain soil saturation and benefit the tamarack plant  
 4 community. Mr. Biehn recommended groundwater monitoring instead of the  
 5 planned surface water modeling, as a more informative next step to investigate the  
 6 hydrology of the wetland.

7  
 8 Manager Eckles asked about the ownership of the wetland and if there were any  
 9 legal concerns over restoration activities and potentially altering hydrology. Mr.  
 10 Biehn noted there are a number of properties covering the wetland that were called  
 11 for permission to do the survey work. One property is under grazing and the owner  
 12 became concerned over possible impacts to his farm and pulled his permission  
 13 before the topographic survey was complete.

14  
 15 Michael Welch noted potential issues include determining any impacts to wells and  
 16 the legal status of the ditch. Ms. Kill reported there are no jurisdictional ditches in  
 17 BCWD. There are five properties impacted by the ditch including the one being  
 18 grazed for grass-fed cattle. Mr. Welch said BCWD will need written approval from  
 19 the owners to install piezometers on private property. Mr. Biehn noted the  
 20 groundwater data and analysis could be completed without data from the grazing  
 21 parcel. Ms. Kill recommended a community meeting to talk about what BCWD has  
 22 found out so far and the possible opportunities for restoration and take any feedback.

23  
 24 Manager Eckles asked how this project fits into the larger picture of opportunities  
 25 and priorities. Karen Kill noted in the last two management plans this wetland has  
 26 been identified as an opportunity but a low priority in the top 20 projects. It ranks as  
 27 a number one wetland restoration project but lake projects have ranked higher in  
 28 priority. Kevin Biehn noted investigating this wetland came up over an interest in  
 29 finding local wetland banking locations. The managers discussed wetland banking  
 30 and various scenarios of how wetland banking credits work. Michael Welch noted  
 31 the banking framework adds technical and legal complexity to the project and  
 32 analysis of these factors can be brought to the board if the managers are interested.

33  
 34 The managers agreed they are interested in learning more about wetland banking as  
 35 an opportunity. Karen Kill said the next step is to learn how a ditch block would  
 36 affect the wetland properties.

37 **Manager Johnson moved, seconded by Manager LeRoux, to authorize not to**  
 38 **exceed \$13,700 from account 961-0000 (Mendel wetland restoration feasibility)**  
 39 **and to transfer the same amount from the cont. reserve into account 961-0000**  
 40 **to collect and analyze groundwater data to determine its influence on the**  
 41 **hydrology of Mendel wetland.**

	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>			

**Motion carried 3/0.**

Karen Kill reported the Minnesota Association of Watershed Districts is holding a virtual legislative event March 17<sup>th</sup>. None of the managers are able to attend.

**(2) Legal**

Michael Welch confirmed the managers' comfort with his discussing with Manager Eckles an agreement with BCWD to conduct work on his property for the diversion tributary stabilization. He stated that there is no conflict of interest for Manager Eckles to be involved, but he wanted the managers and Manager Eckles to be comfortable with his advising both parties to the agreement. The managers expressed no concerns.

**(3) Engineer**

No additional reports.

**(4) Managers**

- Manager LeRoux asked about the status of adding a new manager. Karen Kill reported the county posted February 15<sup>th</sup> as the closing date for community comments and that Celia Wirth has an interview this Friday.
- Manager Eckles asked if anyone had additional comments. Mr. McSwain noted he grew up in Stillwater and recently returned, purchasing a home in the Long Lake area. He is interested in the environment and in learning more about the work of BCWD.

**b) April 2021 Regular BCWD Board Agenda**

No items were suggested.

**11) Adjournment**

**Manager Johnson moved, seconded by Manager LeRoux, to adjourn the Regular Meeting at 9:15PM.**

	<b>Yea</b>	<b>Nay</b>	<b>Abstain</b>	<b>Absent</b>
<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>			

**Motion carried 3/0.**

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