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2 Approved Minutes of the Regular Meeting of the Brown’s Creek Watershed District Board of
3 Managers, Wednesday, March 11, 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	Carmen Simonet, Recorder
Sharon Schwarze, 2 nd Vice President	Michael Welch, Smith Partners, BCWD counsel
Gerald Johnson, Treasurer	Elizabeth Henley, Smith Partners, BCWD counsel
Klayton Eckles, 1 st Vice President	Camilla Correll, EOR, BCWD engineer
Chuck LeRoux, Secretary	Paul Fritton, EOR, BCWD engineer
	Karen Ukura
	Jon Whitcomb

- 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 The following changes were made to the agenda: remove item 4a) February 12, 2020,
15 Regular Meeting Minutes; move item 4d) Vegetative Maintenance Scope from the
16 consent agenda to 6b) under projects. Michael Welch noted that there is no new
17 authorized funds spreadsheet for this month, so it need not be accepted but the managers
18 have last month’s spreadsheet for reference.
19 **Manager Eckles moved, seconded by Manager Johnson, to approve the Regular**
20 **Meeting and discussion agenda as amended. Motion carried, vote 5/0.**
- 21
- 22 **3) Public Comments**
23 There were no public comments.
- 24
- 25 **4) Consent Agenda**
26 **Manager Schwarze moved, seconded by Manager Johnson, to approve the consent**
27 **agenda, as amended to consist of:**
28
 - **Accept permit fee statement.**
 - **Authorize administrator to execute the Metropolitan Council Watershed**
29 **Outlet Monitoring Program grant agreement.**
30

- Approve Permit #18-02 Heifort Hills Estate financial assurance reduction of \$54,820.

Motion carried, vote 5/0.

5) **Treasurer’s Report**

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

Manager Johnson moved, seconded by Manager Schwarze, to approve payment of bills as presented in the amount of \$48,706.91.

	<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>Manager Schwarze</u>	<u>X</u>			

Motion carried 5/0.

Treasurer Johnson reported a total balance of \$1,150,065.22 after payables.

6) **Projects**

a) **Rule Revision**

(1) **Comments and Draft Responses**

Michael Welch, Smith Partners reported on the Stormwater Management Rule revision. The comments received have been organized into a spreadsheet along with the suggested responses drafted by staff. The draft rule have been revised to provide a couple of clarifications in response to specific comments. The new changes are highlighted in the draft of the rule in the packet. Mr. Welch noted that the most notable comments were that the separate set of triggers and criteria for just the Diversion Structure drainage created complexity and that there is interest in BCWD’s making flexible treatment options available throughout the watershed.

The managers discussed the comment that BCWD is adding complexity by having two sets of rules – one for the Diversion Structure Subwatershed and one for the remainder of the district. Manager Eckles asked the district engineer to summarize why the Minimal Impact Design standards do not provide sufficient resource protection throughout the watershed. Ms. Correll, EOR said the study completed as part of the last rulemaking process came to that conclusion, but she would need the review the analysis to provide more details and will provide a copy of the report to the managers. President Leiser noted in general, the upper part of the watershed has less development and the analysis found that the more stringent rules better protect the trout stream. The managers agreed a single set of rules would be easier to implement, but protecting the trout stream is a priority. Manager Eckles agreed, but stressed he wants to do it at the best value.

President Leiser asked if anyone from the audience had questions. Karen Ukura said she lives in the northern part of the watershed and wondered if her

1 assessment will be less than the area under the new rules. Manager Eckles
 2 responded, noting the watershed assessment is based on tax valuation not on how
 3 BCWD regulates development. There are additional fees collected for permits
 4 that occur with development.
 5

6 Ms. Ukura said she was attending tonight’s meeting about a flooding concern.
 7 President Leiser invited her to continue. She shared pictures of Plaisted Lake
 8 along 140th Street to show the water level in relation to the road. Another picture
 9 taken years ago, before the road was raised, showed a similar water level.
 10 President Leiser noted the road was raised in 1994 for flood relief.
 11

12 Manager Leiser noted BCWD has been monitoring this location. The gate outlet
 13 to Goggins Lake has been open all winter to prepare for potential high water and
 14 provide flood relief to the chain of lakes. Ice stops the flowage, and when it
 15 melts it should begin flowing again. The District engineer noted recent meetings
 16 of the Washington County Water Consortium have addressed flooding issues to
 17 prepare for the possibility of spring flooding.
 18

19 **(2) Resolution 20-01 - Adopting amendments to Brown’s Creek Watershed**
 20 **District Rule 2.0 – Stormwater Management – Board Action**
 21 **Manager Eckles moved, seconded by Manager Johnson, to adopt Resolution**
 22 **20-01 Adopting Amendments to Brown’s Creek Watershed District Rule 2.0**
 23 **– Stormwater Management.**

	<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>Manager Schwarze</u>	<u>X</u>			

30 **Motion carried 5/0.**
 31

32 **(3) Next Steps**

33 Michael Welch, Smith Partners asked the managers for direction on next steps
 34 and when to start taking them, noting that Ms. Kill had underscored the need to
 35 engage citizens in the upper watershed soon. President Leiser recommended
 36 outreach to the watershed where no rule changes are occurring be a priority and
 37 suggested contacting Angie Hong to utilize her expertise in facilitation. Manager
 38 Schwarze asked that the administrator develop an outreach plan.
 39

40 The managers discussed the BCWD goal to continue to reduce complexity and
 41 increase regulatory harmony after adoption of the rule changes. Mr. Welch noted
 42 a single legal framework is an ideal way to manage the watershed but suggested
 43 that the managers may wish to wait to learn from the implementation of the new
 44 rule before starting another rulemaking. The managers agreed.
 45
 46

- 1 **6 b) Approve the Vegetative Maintenance Scope – Board Action**
2 **Manager Schwarze moved, seconded by Manager Johnson, to authorize EOR to**
3 **subcontract with Natural Shores Technologies to perform the maintenance work,**
4 **expenditure not to exceed a total of \$15,210, [\$3,000 from account 953-000 (St. Croix**
5 **Phosphorus Reduction) and \$12,210 from account 948-0000 (CIP Maintenance)].**
6 **Motion carried, vote 5/0.**

7
8 **7) Old Business**

9 **a) Lower St. Croix One Watershed One Plan**

10 **(1) Draft Plan - initiate official review – Board Action**

11 President Leiser gave an overview of the Lower St. Croix One Watershed One
12 Plan, the partners, extent of the watershed area, and priority issues. BCWD’s
13 involvement includes the policy committee, advisory committee, steering
14 committee and the planning team.

15 **Manager Eckles moved, seconded by Manager Schwarze, to authorize**
16 **President Leiser or his alternate to vote on behalf of BCWD to initiate the 60-**
17 **day plan review. Motion carried, vote 5/0.**

18
19 **(2) Joint Powers Agreement Legal Review Scope – Board Action**

20 Michael Welch, Smith Partners reviewed a scope for legal services associated
21 with providing input on the steps needed to implement the Lower St. Croix River
22 Watershed One Watershed, One Plan comprehensive Watershed Management
23 Plan, with a focus on the joint powers agreement.

24
25 Manager Eckles expressed his support for the One Watershed, One Plan.

26 **Manager Eckles moved, seconded by Manager Schwarze, to authorize legal**
27 **counsel to spend up to 8 hours from account 300-4410 (Legal Fees – General)**
28 **to review and provide input on legal documents, and to expend further time**
29 **after consultation with the administrator. Motion carried, vote 5/0.**

30
31 President Leiser ask if there were any questions from the audience. Jon Whitcomb said he
32 was attending tonight’s meeting to learn the outcome on the BCWD rule revision. He
33 represents the Twin Cities Orthopedics project in Oak Park Heights and recently applied
34 for an erosion control permit. Ms. Correll notes that the permit for the project had been
35 given conditional approval by the administrator.

36
37 **8) Discussion Agenda – No Action Required**

38 **a) Administrator Updates:**

39 Michael Welch, Smith Partners reported that First Resource Bank has submitted a
40 proposal for banking services. Manager Johnson said he would like additional
41 information and will contact the administrator to learn more about the proposal. The
42 managers agreed that Ms. Kill should solicit a full proposal from First Resource and
43 present it at a future meeting.

44
45 Washington County has secured funding for the Manning/Highway 36 interchange
46 and are moving forward with its design work.

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b) Communications & Manager Reports

Manager Johnson noted he's interested in a watershed tour for 2020.

Manager LeRoux asked if there was a process BCWD uses to identify potential flooding areas in the watershed. The managers discussed and noted nothing is officially in place.

Manager Eckles is planning on attending the upcoming Sustainable Water Management conference.

President Leiser is planning on attending the upcoming MAWD Legislative Day at the Capitol.

c) April 2020 Regular BCWD Board Agenda:

2019 monitoring report and scope for long term trend analysis.

9) Adjournment

Manager Johnson moved, seconded by Manager Eckles, to adjourn the Regular Meeting at 8:15PM. Motion carried, vote 5/0.

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