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2 APPROVED Minutes of the Regular Meeting of the Brown's Creek Watershed District Board of  
3 Managers, Wednesday March 14, 2018 at 6:30 PM

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5 Family Means, 1875 Northwestern Avenue South  
6 Stillwater, MN 55082

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8 **ROLL CALL**

<b>Managers Present:</b>	<b>Others Present:</b>
Craig Leiser, President	Karen Kill, Administrator
Sharon Schwarze, Vice President	Carmen Simonet, Recorder
Gerald Johnson, Treasurer	Michael Welch, Smith Partners, BCWD counsel
Anne Maule Miller, Secretary	Camilla Correll, EOR, BCWD engineer
	Ryan Fleming, EOR, BCWD engineer
	Aaron DeRusha, Washington Conservation District
<b>Managers Absent:</b>	Isaac Anderson, Stillwater Area High School student
Connie Taillon	Sophia Jensen, Stillwater Area High School student
	Kevin Von Riedel, Westridge Development
	Deborah Von Riedel, Westridge Development
	Jeremy Larson, Westridge Development
	Steve St. Clair, Westridge Development
	Jon Whitcomb, Resident

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10 **1) Call Regular Meeting to Order**  
11 President Leiser called the Regular Meeting to order at 6:30 PM.

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13 **2) Approve Regular Meeting Agenda and Discussion Agenda**  
14 **Manager Maule Miller moved, seconded by Manager Schwarze, to approve the**  
15 **Regular Meeting agenda and discussion agenda as presented. Motion carried, vote**  
16 **4/0.**

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18 **3) Public Comments**  
19 There were no public comments

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21 **4) Consent Agenda**  
22 **Manager Schwarze moved, seconded by Manager Johnson, to approve the consent**  
23 **agenda:**  
24 

- **Approve minutes from February 15, 2018 Regular Meeting as presented.**

- **Accept the permit fee statement as presented.**
- **Authorize President Leiser to execute the Federal Reserve Bank contact information form.**

**Motion carried, vote 4/0.**

5) **Permits**

a) **BCWD Permit 17-17 Westridge Development – Board Action**

Ryan Fleming, EOR reported on the permit application for Westridge Development, a redevelopment of 4.81 acres currently with one single-family home to 14 single-family homes. The site is located on the south side of Boutwell Road about 0.3 miles north of 75<sup>th</sup> Street North. In general, stormwater flows off site to the northwest and the southwest and eventually runs into the tributary that flows from Long Lake to the McKusick Lake diversion structure. EOR recommends approval of the permit with conditions and stipulations.

President Leiser asked about the potential of homeowners installing fences or other structures that might block the flow of drainage in the swale that runs through the backyards of the homes on the west and east sides of the development. The developer suggested he could add a restriction to the homeowners' declaration of covenants.

The developer was asked if he had any questions or comments and he replied he has looked through the report and has no questions.

Jon Whitcomb stated he owns the property to the south and asked about drainage from the site onto his land. Mr. Fleming said the report finds there will be less drainage to the south under proposed conditions than under current conditions.

**Manager Maule Miller moved, seconded by Manager Schwarze, to authorize permit 17-17 Westridge Development with conditions and stipulations, except condition 2-2 regarding the stormwater maintenance declaration is modified to add, "The declaration must prohibit construction of any obstruction materially impeding stormwater flow to or from the stormwater facility or facilities on the site." Motion carried, vote 4/0.**

6) **Projects**

a) **Stillwater Area High School – macroinvertebrate monitoring presentation**

Isaac Anderson and Sophie Jensen from the Stillwater Area High School presented the results of their macroinvertebrate monitoring and water quality assessment of Brown's Creek. Data collection took place at both an upstream and downstream site in fall 2017. Both AP Environmental Science and Fish and Wildlife classes participated in the project.

b) **McKusick Road Stormwater Retrofit – final payment – Board Action**

Ryan Fleming, EOR reported the McKusick Road stormwater quality tanks and catch basin manhole retrofit were installed last fall. The work was performed in conjunction with the Washington County Public Works McKusick Road project. The County

1 recently provided BCWD with as-built survey of the work. However, the District  
2 Engineer has concerns with the survey and requested additional information from the  
3 County. It appears that either the as-built is not an accurate survey or the work was  
4 not constructed as designed and the pipes flowing in and out of one of the tanks are  
5 shallower than specified, posing a concern over the efficiency and effectiveness of  
6 flow through the structure.

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8 Michael Welch, Smith Partners recommends that the managers decline to authorize  
9 payment of the final invoice until the work is substantially complete. President Leiser  
10 asked what was needed to consider the project substantially complete. The district  
11 engineer said an accurate as-built survey showing the project was constructed in  
12 accordance with the design.

13 **Manager Leiser moved, seconded by Manager Johnson, to defer payment of the**  
14 **invoice and directed the administrator, in consultation with counsel, to draft a**  
15 **communication informing Washington County of the board's good-faith dispute**  
16 **with the obligation. Motion carried 4/0.**

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18 c) **SCRA Grant Project – Oak Glen Prairie Conversion Cost-Share – Board Action**  
19 Administrator Kill reported on a proposed cost-share project to install a prairie buffer  
20 around a wetland area at the Oak Glen golf course to improve water quality of  
21 Brown's Creek.

22 **Manager Maule Miller moved, seconded by Manager Johnson, to authorize the**  
23 **administrator with input from legal counsel to execute the cost-share agreement**  
24 **among Brown's Creek Watershed District, Wilson Golf Group LP and Oak**  
25 **Glen LLC, and to authorize expenditure not to exceed \$10,000 from account**  
26 **940-0000 (BMP Program – LGU/Community Demonstration Projects) to Oak**  
27 **Glen Golf Course for a prairie conversion cost-share project. Motion carried 4/0.**

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29 d) **Groundwater Monitoring – Instream Piezometer Scope – Board Action**  
30 Camilla Correll, EOR reported on a scope of services for installation and monitoring  
31 of in-stream piezometers to collect data on the interactions of groundwater with  
32 Brown's Creek.

33 **Manager Maule Miller moved, seconded by Manager Schwarze, to authorize**  
34 **transfer of \$584 from account 300-4640 (Equip. Maint. And Upgrades) to**  
35 **account 942-0007 (Groundwater -measuring inputs to Browns Creek) and to**  
36 **authorize expenditure not to exceed \$7,084 from account 942-0007**  
37 **(Groundwater -measuring inputs to Browns Creek) for groundwater monitoring**  
38 **with in-stream piezometers. Motion carried 4/0.**

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40 7) **New Business**

- 41 a) **Rule Guidance Scope – Board Action**

42 Camilla Correll, EOR reported on a scope of services to develop rule guidance  
43 materials. Michael Welch, Smith Partners noted the scope does not include hours for  
44 potential legal consulting. Legal review time is estimated to be about four hours and  
45 an additional two hours to update templates. The administrator feels there are  
46 adequate hours available in the general legal fees account.

Manager Schwarze moved, seconded by Manager Maule Miller, to transfer \$4,582 from account 300-4950 (Management Plan Implementation – miscellaneous) to account 909-0000 (Rules Review/Evaluation) and authorize expenditure of \$19,582 from account 909-0000 (Rules Review/Evaluation) for the engineering scope for rule guidance. Motion carried, vote 4/0.

8) **Treasurer’s Report**

a) **Review Authorized Funds Spreadsheet**

Administrator Kill presented the authorized funds spreadsheet.

Manager Johnson moved, seconded by Manager Schwarze, to approve the authorized funds spreadsheet as presented. Motion carried, vote 4/0.

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

Manager Johnson moved, seconded by Manager Maule Miller, to approve payment of bills in the amount of \$51,553.77, which excludes Washington County invoice 1235785 (McKusick Road Stormwater Retrofit).

	Yea	Nay	Abstain	Absent
<u>Manager Johnson</u>	<u>X</u>			
<u>Manager Leiser</u>	<u>X</u>			
<u>Manager Maule Miller</u>	<u>X</u>			
<u>Manager Schwarze</u>	<u>X</u>			
<u>Manager Taillon</u>				<u>X</u>

Motion carried 4/0.

Manager Johnson moved, second by Manager Schwarze, to approve the amended treasurer’s report with a total balance of \$663,350.28 after payables. Motion carried 4/0.

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

a) **Administrator Updates**

Administrator Kill reported on current BCWD activities. The administrator will be out of the office from March 16, returning March 28<sup>th</sup> and permit inquiries will be directed to Patrick Conrad at EOR during her absence.

b) **Communications & Manager Reports**

Manager Maule Miller attended the most recent Washington County Water Consortium meeting and said the topic was on watershed funding distribution. She also attended the recent Legislative Water Commission meeting and said this year their focus is on infrastructure.

President Leiser reported his Rotary Club is available to volunteer on pollinator plantings and he gave an update on MAWD business.

1           Manager Schwarze reported she has reviewed the bylaws and said an update may be  
2           needed after the administrator assistant is hired, if they handle any financial  
3           accounting.  
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5           **c) April 2018 BCWD Board Agenda**

6           No items were suggested.  
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8           **9) Adjournment**

9           **Manager Johnson moved, seconded by Manager Maule Miller, to adjourn the**  
10          **Regular Meeting at 8:37PM. Motion carried, vote 4/0.**  
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12          Respectfully Submitted by

13          Carmen Simonet, Recorder and Anne Maule Miller, Recording Secretary  
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