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2 APPROVED Minutes of the Regular Meeting of the Brown's Creek Watershed District Board of  
3 Managers, Wednesday March 20, 2019 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, Vice President	Carmen Simonet, Recorder
Gerald Johnson, Treasurer	Michael Welch, Smith Partners, BCWD counsel
Anne Maule Miller, Secretary	Camilla Correll, EOR, BCWD engineer
Klayton Eckles, 2 <sup>nd</sup> Vice President	Cameron Blake, BCWD staff
	Emily Johnson, EOR BCWD engineer
	Cecilio Olivier, EOR, BCWD engineer
	Mark Lambert, Summit Management
	Amanda Johnson, Summit Management
	Phil Hoey, Summit Management
	Dan Parks, Westwood Professional Services
	Tyler Maxson, Westwood Professional Services
	Bill Howell, The Lakes at Stillwater
	Tim Olsen, Bolton & Menk
	Del Miske, Grace Baptist Church

- 9  
10 **1) Call Regular Meeting to Order @ 6:30 PM**  
11 President Leiser called the Regular Meeting to order at 6:30PM.  
12  
13 **2) Approve Regular Meeting Agenda and Discussion Agenda**  
14 **Manager Schwarze moved, seconded by Manager Johnson, to approve the Regular**  
15 **Meeting agenda and discussion agenda as presented. Motion carried, vote 5/0.**  
16  
17 **3) Public Comments**  
18 There were no public comments.  
19  
20  
21  
22

1   **4) Consent Agenda**

2   Manager Maule Miller requested discussion and consideration of approval of a cost-share  
3   agreement with the Stillwater Water Board for the Smart Controller program as part of  
4   the regular agenda.

5   Manager Maule Miller moved, seconded by Manager Johnson, to approve the  
6   consent agenda as amended:

- 7   • Approve minutes of the February 13, 2019 Regular Meeting as presented.
- 8   • Approve minutes of the February 27, 2019 Special Meeting as presented.
- 9   • Accept the permit fee statement as presented.
- 10  • Approve Well Monitoring Equipment Scope not to exceed \$400 from account  
11 300-4640 (Equipment and Upgrades).
- 12  • Approve Brown’s Creek Stonebridge Monitoring Equipment Repair Scope  
13 not to exceed \$767 from account 300-4640 (Equipment Maintenance and  
14 Upgrades).
- 15  • Approve 2019 Vegetative Maintenance Scope (fen, trail, THPP, Long Lake  
16 buffer, Kismet, IESF) not to exceed \$2,824 from account 953-0000 (Fen  
17 Management Plan Implementation), and \$12,890 from account 948-000 (CIP  
18 Maintenance).
- 19  • Approve newsletter scope not to exceed \$2,891.21 from account 910-0000  
20 (Education and Outreach).
- 21  • Accept the Freshwater Society December 12, 2018 Stakeholder Summary  
22 Report.
- 23  • Approve sign design for McKusick Road Stormwater Retrofit project for  
24 printing and installation.

25   Motion carried, vote 5/0.

26  
27   **5) Permits**

28   **a) BCWD #17-04 Lakes of Stillwater Amendment to include Phase II – Board**  
29   **Action**

30   Administrator Kill reported on a request to amend permit 17-04 Lakes of Stillwater  
31   Senior Living to include the second phase of the project. Ms. Kill noted that the  
32   proposed work is consistent in all material respects with the plans analyzed by the  
33   BCWD engineer in the July 10, 2017, memo before the managers. President Leiser  
34   asked if the permit extension was adequate and Tim Olsen, Bolton & Menk  
35   confirmed September 30, 2020 should provide enough time to complete the work.

36   Manager Eckles moved, seconded by Manager Maule Miller, to approve the  
37 amendment to BCWD permit 17-04 Lakes of Stillwater Senior Living to include  
38 Phase II and extend the permit to September 30, 2020 with conditions of  
39 replenishing the permit deposit fee by \$2,000 and submitting an additional  
40 grading and alteration financial assurance of \$13,940. Motion carried, voted 5/0.

41  
42   **6) Projects**

43   **a) Rule and Permit Process Review Scope**

44   **(1) Central Commons Rule Comparison Presentation – Dan Parks, Westwood**

45   Dan Parks, Westwood, appearing on behalf and at the request of Summit  
46   Management, gave a presentation comparing the differences between using

1 BCWD rules and other watershed standards for development of Central  
2 Commons, a 35-acre property located south of Highway 36 and east of Manning  
3 Avenue. Mr. Parks found that rate control requirements were essentially the same  
4 for both standards because the site has so many natural depressions that he  
5 assumed would be filled for this concept. In his comparison using only a single  
6 stormwater pond, the BCWD rules resulted in considerably more land being used  
7 for stormwater retention, but that water quality treatment was similar. Mr. Parks  
8 concluded with a list of considerations for rule changes including utilizing the  
9 Minimal Impact Design Standards' 1.1 inch volume-retention standard, allowing  
10 flexible treatment options, increasing the draw down times for infiltration basins  
11 from the current Minnesota Stormwater Water Manual-recommended 48 hours,  
12 and managing rate control at pre-development conditions.  
13

14 Administrator Kill asked if he also had numbers comparing the pounds per year  
15 phosphorus removal, in addition to the presentation percent removal. Mr. Parks  
16 said he can provide that and will send her the information.  
17

18 The Board discussed the infiltration basin draw down time design standard.  
19 Camilla Correll explained that the 48 hour draw down comes from the MN  
20 Stormwater Manual reflecting the current science for continued BMP  
21 performance. The Minnesota Stormwater Manual design standard was revised  
22 from 72 hours to 48 hours to allow for wet/dry cycling and vegetation survival.  
23

24 The managers thanked Mr. Parks for his presentation.  
25

## 26 **(2) Review Approach – Board Action**

27 Camilla Correll, EOR reviewed a scope of services to evaluate how MIDS  
28 compares to the BCWD rules and the protection provided by MIDS for BCWD  
29 resources. The approach could evaluate how the adoption of MIDS addresses the  
30 District's resource goals when applied to: the Long Lake drainage area, the TSMP  
31 Agreement Area, watershed-wide, and/or redevelopment and linear projects  
32 watershed-wide.  
33

34 President Leiser noted he supports the idea of BCWD using two sets of standards  
35 to unify rules with neighboring watersheds, while providing the protection needed  
36 for Brown's Creek, a groundwater dependent natural resource.  
37

38 Manager Eckles questioned the value of the scope and suggested rather than  
39 analyzing numbers, an approach that weighs the impacts on stakeholders should  
40 be considered.  
41

42 Manager Maule Miller said that everyone should be subject to the same level of  
43 protection. Manager Schwarze agreed, noting BCWD has a directive to keep  
44 phosphorus out of the St. Croix River. This issue impacts all stakeholders not just  
45 developers, we either address it at the time of development or tax residents later to

1 clean up the water. Manager Schwarze noted that she does not necessarily support  
2 two separate sets of standards in the rules.  
3

4 The managers and staff agreed they need additional information to help determine  
5 if MIDS can get BCWD to the same place as the current rules in protecting their  
6 natural resources. Suggestions included an overview from an expert on how  
7 MIDS was developed – the reasons behind the decisions, and an overview from  
8 an expert from the MN Pollution Control Agency on state water quality goals in  
9 context with BCWD’s unique resources.  
10

11 Mark Lambert, Summit Management, stated that BCWD needs to balance the  
12 actual cost for protecting the resources and the cost of the solution, as is required  
13 for state rules.  
14

15 The managers reviewed the tasks in the scope of services. Administrator Kill  
16 stressed the importance of the first task, in having discussions with the  
17 stakeholders including the Cities of Stillwater and Oak Park Heights, Washington  
18 County Public Works and MNDOT to review the future land use plans for the  
19 Long Lake Drainage area and the TSMP Agreement Area. Ms. Kill pointed out  
20 the reason for this scope is to move the managers forward by providing the  
21 needed information to understand MIDS in comparison with the current rules.

22 **Manager Schwarze moved, seconded by Manager Johnson, to transfer**  
23 **\$26,251 from account 300-4950 (Management Plan Implementation –**  
24 **miscellaneous) to account 909-0000 (Rules Review/Evaluation) and to**  
25 **authorize expenditure not to exceed \$26,251 from account 909-0000 (Rules**  
26 **Review/Evaluation) to perform a regulatory program evaluation. Motion**  
27 **carried, voted 4/1 (Manager Eckles voting against).**  
28

29 Recess 8:51pm – 8:59 pm  
30

31 **b) IESF Harvest Pond Cleanout – Pay request #1 – Board Action**

32 Administrator Kill reported maintenance on the iron enhanced sand filter in Settlers  
33 Glen was completed in February and final site restoration will occur when weather  
34 permits this spring.

35 **Manager Johnson moved, seconded by Manager Maule Miller, to authorize**  
36 **payment #1 to Peterson Companies in the amount of \$21,548.23 from account**  
37 **948-0000 (CIP Maintenance). Motion carried, voted 5/0.**  
38

39 **c) Clean Water Fund Grant 2019 Reuse at Oak Glen Golf Course – Approve Grant**  
40 **Agreement and Authorize Fiscal Agent – Board Action**

41 Administrator Kill reported on the Clean Water Fund grant agreement with the MN  
42 Board of Water and Soil Resources for the Water Harvest and Reuse project at Oak  
43 Glen Golf Course.

44 **Manager Eckles moved, seconded by Manager Schwarze, to approve the grant**  
45 **agreement with the MN Board of Water and Soil Resources, and to authorize the**  
46 **Administrator as the fiscal agent. Motion carried, voted 5/0.**

1  
2 **d) Smart Irrigation Controller Cost-share Agreement with Stillwater Water Board**  
3 **– Board Action**

4 Administrator Kill reported on the smart irrigation controller cost-share agreement  
5 with the Stillwater Water Board. Manager Eckles thought the cost was high compared  
6 to Woodbury’s program. Ms. Kill agreed and attributed the higher cost to the  
7 Stillwater Water Board’s pilot plan to also provide installation of the controllers and  
8 follow-up on individual reductions in water use.

9 **Manager Eckles moved, seconded by Manager Schwarze, to approve the smart**  
10 **controller cost-share agreement with Stillwater Water Board, not to exceed**  
11 **\$9,000 from account 940-0000 (BMP Program LGU/Community Demonstration**  
12 **Projects) and to authorize the administrator to execute the agreement upon**  
13 **advice of counsel. Motion carried, vote 5/0.**  
14

15 **7) New Business**

16 **a) May Township Local Surface Water Management Plan Review – Board Action**

17 Administrator Kill reported BCWD has received May Township’s local surface water  
18 management plan and reviewed it jointly with Carnelian-Marine-St. Croix Watershed  
19 District.

20 **Manager Johnson moved, seconded by Manager Schwarze, to adopt Resolution**  
21 **19-01 Conditionally approving Town of May Surface Water Management Plan.**

	<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 Maule Miller</u>	<u>X</u>			
<u>Manager Schwarze</u>	<u>X</u>			

28 **Motion carried 5/0.**  
29

30 **8) Treasurer’s Report**

31 **a) Review Authorized Funds Spreadsheet**

32 Administrator Kill presented the authorized funds spreadsheet and revised 2019  
33 Budget reflecting the actual 2018 end of year carry forward.

34 **Manager Maule Miller moved, seconded by Manager Schwarze, to approve the**  
35 **authorized funds spreadsheet as presented and approve the revised 2019 budget**  
36 **as presented. Motion carried, vote 5/0.**  
37

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

39 **Manager Johnson moved, seconded by Manager Eckles, to approve payment of**  
40 **bills as presented in the amount of \$72,161.39.**  
41

	<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 Maule Miller</u>	<u>X</u>			

1                    **Manager Schwarze     X**  
2                    **Motion carried 5/0.**

3  
4                    Treasurer Johnson reported a total balance of \$1,219,437.65 after payables.  
5

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

7                    **a) Manager Training – Open Meeting Law- Presentation Michael Welch, Smith**  
8                    **Partners**

9                    Michael Welch, Smith Partners gave an overview on the Minnesota open meeting law  
10                    and how it applies to BCWD.  
11

12                    **b) Administrator Updates**

13                    Administrator Kill reported she had no additional updates.  
14

15                    **c) Communications & Manager Reports**

16                    President Leiser reported he has schedule conflicts with both the April and June  
17                    meetings. The managers agreed to change the April 10<sup>th</sup> meeting to April 9<sup>th</sup>.  
18                    The June 12<sup>th</sup> meeting will not change.  
19

20                    **d) April 2019 Regular BCWD Board Agenda**

21                    Manager Maule Miller had two items for either the April or May agendas: an update  
22                    on the maintenance spreadsheet, and review of the permitting process.  
23

24                    **8) Adjournment**

25                    **Manager Johnson moved, seconded by Manager Maule Miller, to adjourn the**  
26                    **Regular Meeting at 9:42 PM. Motion carried, vote 5/0.**  
27

28                    Respectfully Submitted by

29                    Carmen Simonet, Recorder and Anne Maule Miller, Recording Secretary  
30