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2 FINAL Minutes of the Regular Meeting of the Brown’s Creek Watershed District Board of  
3 Managers, Wednesday, April 8, 2020 at 6:30 PM  
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5 *The meeting was conducted by web-based video conference, pursuant to Minnesota Statutes*  
6 *section 13D.021, after the president determined that because of health concerns raised by the*  
7 *COVID-19 pandemic it was not prudent for the Board of Managers to meet in person.*  
8

9 **ROLL CALL**

Managers Present:	Others Present:
Craig Leiser, President	Karen Kill, Administrator
Sharon Schwarze, 2 <sup>nd</sup> Vice President	Carmen Simonet, Recorder
Gerald Johnson, Treasurer	Michael Welch, Smith Partners, BCWD counsel
Klayton Eckles, 1 <sup>st</sup> Vice President	Camilla Correll, EOR, BCWD engineer
Charles LeRoux, Secretary	Cameron Blake, BCWD staff
	Paul Fritton, EOR, BCWD engineer
	Brett Emmons, EOR, BCWD engineer
	Ryan Fleming, EOR, BCWD engineer
	Cecilio Olivier, EOR, BCWD engineer
	Eden Rogers, Washington County Public Works
	Nathan Arnold, Washington County Public Works
	Daniel T. Elemes, Wenck

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

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 4 4) **Consent Agenda**  
 5 **Manager Schwarze moved, seconded by Manager LeRoux, to approve the consent**  
 6 **agenda:**

- 7 • **Approve minutes of the February 12, 2020 Regular Meeting as presented.**
- 8 • **Approve minutes of the March 11, 2020 Regular Meeting as presented.**
- 9 • **Approve minutes of the April 2, 2020 Special Meeting as presented.**
- 10 • **Accept the permit fee statement as presented.**
- 11 • **Approve annual report for distribution.**

	Yea	Nay	Abstain	Absent
12 <b><u>Manager Eckles</u></b>	<b><u>X</u></b>			
13 <b><u>Manager Johnson</u></b>	<b><u>X</u></b>			
14 <b><u>Manager Leiser</u></b>	<b><u>X</u></b>			
15 <b><u>Manager LeRoux</u></b>	<b><u>X</u></b>			
16 <b><u>Manager Schwarze</u></b>	<b><u>X</u></b>			
17 <b><u>Motion carried 5/0.</u></b>				

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 20 5) **Treasurer’s Report**

21 a) **Review Authorized Funds Spreadsheet**  
 22 Administrator Kill presented the authorized funds spreadsheet.  
 23 **Manager Johnson moved, seconded by Manager Schwarze, to approve the**  
 24 **authorized funds spreadsheet as presented.**

	Yea	Nay	Abstain	Absent
25 <b><u>Manager Eckles</u></b>	<b><u>X</u></b>			
26 <b><u>Manager Johnson</u></b>	<b><u>X</u></b>			
27 <b><u>Manager Leiser</u></b>	<b><u>X</u></b>			
28 <b><u>Manager LeRoux</u></b>	<b><u>X</u></b>			
29 <b><u>Manager Schwarze</u></b>	<b><u>X</u></b>			
30 <b><u>Motion carried 5/0.</u></b>				

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 33 b) **Current Items Payable – Board Action**  
 34 **Manager Johnson moved, seconded by Manager Eckles, to approve payment of**  
 35 **bills as presented in the amount of \$64,896.88.**

	Yea	Nay	Abstain	Absent
36 <b><u>Manager Eckles</u></b>	<b><u>X</u></b>			
37 <b><u>Manager Johnson</u></b>	<b><u>X</u></b>			
38 <b><u>Manager Leiser</u></b>	<b><u>X</u></b>			
39 <b><u>Manager LeRoux</u></b>	<b><u>X</u></b>			
40 <b><u>Manager Schwarze</u></b>	<b><u>X</u></b>			
41 <b><u>Motion carried 5/0.</u></b>				

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6) **Permits**

a) **BCWD Permit 19-06 CSAH 15 (Manning Ave) Culvert Replacement at Brown’s Creek – Board Action**

Eden Rogers, Washington County Public Works summarized the project to replace the culvert at Brown’s Creek under CSAH 15 and responded to questions from the managers. The layout is similar to the existing conditions except to meet safety zone standards, the culvert under the road will be longer to move the aprons further away from the road. The existing snowmobile trail is accommodated in the design. The road will be closed for construction for about two weeks and partially open as needed to complete the work.

Ryan Fleming, EOR reported in addition to being longer, the new culvert will be larger but the bottom will be buried, generally matching the existing stream gradient and alignment, and allow fish passage. The top will be covered in soil and vegetated. The engineer recommends approval with one condition to meet the shoreline and streambank alterations rule. He recommends the plan set be revised to include native seeding for disturbed areas.

Administrator Kill noted that with COVID-19 limitations on office work, the adjacent landowners were contacted by telephone to notify them of the project and Board meeting. Michael Welch, Smith Partners recommended the administrator include a memo in the project file on the method used to notify the public about the project.

**Manager Schwarze moved, seconded by Manager Eckles, to authorize permit 19-06 CSAH 15 culvert replacement at Brown’s Creek with conditions outlined in the engineer’s report.**

	<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>			
<u>Motion carried 5/0.</u>				

7) **Projects**

a) **CSAH 15/HWY 36 Interchange Regional Stormwater Treatment – Board Action**

Administrator Kill reported that BCWD has continued to work with Washington County on a possible reuse project to treat stormwater from the new County State Aid Highway 15/Trunk Highway 36 Interchange. Although BCWD has been working with county staff for the past year on the design, Washington County has now clarified that it is looking to BCWD to complete any portions of the reuse project outside of the right-of-way as its own capital improvement project with cost participation from Washington County as a function of BCWD regulatory approval. This is a change from previous discussions with the Board, which envisioned a regional project pursued by the county and Minnesota Department of Transportation,

1 along with Applewood Hills Golf Course, which is adjacent and would use collected  
2 stormwater for irrigation. The managers need to decide whether they want to  
3 proceed with a capital improvement project to move forward with the reuse project,  
4 while addressing the road project's compliance with BCWD regulatory requirements  
5 as separate matter.  
6

7 Brett Emmons, EOR reviewed the general layout for the reuse concept and gave an  
8 overview of the costs and benefits. Collection ponds, outlets and wet wells are  
9 located within the interchange; water is piped out of the highway right-of-way and  
10 continues on golf course land to the location where the reuse system starts. The  
11 system consists of reuse pipe, pumps, valves and controls.  
12

13 Comparing the design of a filtration pond approach with a reuse system, EOR  
14 determined that reuse produces a greater reduction in phosphorus, cost savings in  
15 construction of the road project and additional benefits to natural resources.  
16 Filtration ponds would remove 7.5 pound per year of phosphorus while a reuse  
17 system would remove 38 pound per year from discharge downstream to Long Lake,  
18 which is currently listed as impaired for excess nutrients. By diverting the  
19 stormwater for water reuse, Long Lake and the channels downstream of the  
20 interchange will see less flooding, channel erosion and thermal pollution, and a  
21 reduction in groundwater pumping at the golf course will occur. The golf course also  
22 gains an additional water source and value in public relations. Washington County  
23 has estimated cost of constructing filtration ponds as approximately \$260,000 more  
24 than constructing reuse ponds. The preliminary costs for construction of the reuse  
25 system could range from \$250,000 to \$300,000 depending on variables in the design.  
26 The engineer's scope of services outlines the tasks to determine layout and final  
27 costs of the project. The proposed timeline is April 15th to June 15<sup>th</sup> to coordinate  
28 with the county interchange project schedule.  
29

30 Manager Eckles asked about the risks and challenges that BCWD might face, such  
31 as what the backup plan is if the golf course closes and who will own and be  
32 responsible for the system. Administrator Kill acknowledged these are some of the  
33 issues that need to be addressed. Applewood has been a part of discussions to date  
34 and is an interested partner. The next step if BCWD proceeds with the capital  
35 project is to meet and develop an agreement with the golf course. Nathan Arnold,  
36 Washington County Public Works reported his understanding is Washington County  
37 and MnDOT will own the ponds and the wet wells, and the golf course would own  
38 the system beyond that point. The golf course has asked that BCWD be responsible  
39 for repairs. The county would like a letter of intent from the golf course to proceed  
40 with this approach.  
41

42 Manager LeRoux noted a number of decisions are tied to the commitment of the golf  
43 course. The administrator agreed and noted that in order to continue developing the  
44 project, staff needs direction from the managers on whether to begin these  
45 negotiations with the golf course. Manager Eckles noted from his experience, legal

1 and relationship issues can be more of a challenge than engineering. He stressed the  
 2 need to have a long-term plan to deal with the unexpected.

3  
 4 Michael Welch, Smith Partners, said that by pursuing it as a BCWD capital project,  
 5 the district would have more control over the project. The timeline of the interchange  
 6 work requires BCWD make a decision on whether to proceed with a capital  
 7 improvement project.

8  
 9 Manager Eckles noted he’s supportive of the project but has issues as well as  
 10 frustration with the lack of information provided to understand the risks and overall  
 11 costs of the project. He would like to see the county fund more of the project to  
 12 balance the benefit they’re receiving. Nathan Arnold noted that the county is limited  
 13 to funding work that is part of or for the road project. Manager Eckles also  
 14 questioned the high cost of the engineer’s scope of services, noting it does not  
 15 include the legal and administrative costs which he said appears to be a significant  
 16 portion of the work that remains to be done. EOR noted there is uncertainty with  
 17 new technology because it is not standard and the costs reflect this. President Leiser  
 18 said he supports innovation and moving forward with the capital improvement  
 19 project.

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 21 **Manager Eckles moved, seconded by Manager Leiser, to authorize expenditure**  
 22 **not to exceed \$22,000 from account 929-0010 (Long Lake Implementation –**  
 23 **Regional Treatment) for tasks 1 to 3.4 of the engineer’s scope of services for TH**  
 24 **36/CSAH 15 interchange reuse project.**

	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>Manager Schwarze</u></b>	<b><u>X</u></b>			
<b><u>Motion carried 5/0.</u></b>				

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

34 **a) Administrator Updates**

35 Administrator Kill reported on current BCWD activities including the installation of  
 36 lake gauges, flood assessments, and potential upcoming permits.

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 38 **b) Communications & Manager Reports**

39 Michael Welch, Smith Partners noted the governor’s extension of the stay-at-home  
 40 order to May 4<sup>th</sup>. The managers concurred they will continue to meet by web  
 41 conference under the directive in place by President Leiser.

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 43 Manager Johnson noted graffiti on a BCWD sign and gave the location to staff for  
 44 cleanup.

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1           **c) May 2020 Regular BCWD Board Agenda**

2           No items were suggested.

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4   **9) Adjournment**

5           **Manager Johnson moved, seconded by Manager Eckles, to adjourn the Regular**  
6           **Meeting at 8:16 PM.**

	<u><b>Yea</b></u>	<u><b>Nay</b></u>	<u><b>Abstain</b></u>	<u><b>Absent</b></u>
7 <u><b>Manager Eckles</b></u>	<u><b>X</b></u>			
8 <u><b>Manager Johnson</b></u>	<u><b>X</b></u>			
9 <u><b>Manager Leiser</b></u>	<u><b>X</b></u>			
10 <u><b>Manager LeRoux</b></u>	<u><b>X</b></u>			
11 <u><b>Manager Schwarze</b></u>	<u><b>X</b></u>			
12 <u><b>Motion carried 5/0.</b></u>				

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15          Respectfully Submitted by

16          Carmen Simonet, Recorder and Charles LeRoux, Recording Secretary