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2 APPROVED Minutes of the Regular Meeting of the Brown's Creek Watershed District Board of  
3 Managers, Wednesday April 11, 2018 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                |
|                                 | Jared Fabian, EOR, BCWD engineer                   |
| Managers Absent:                | Olivia Sparrow, EOR, BCWD engineer                 |
| Connie Taillon                  | Aaron DeRusha, Washington Conservation District    |
|                                 | Rob Rosenberg, Stillwater resident                 |
|                                 | Gary Gallmeier, Boutwell Rd, Stillwater resident   |
|                                 | Dale Hanson, Boutwell Rd, Stillwater resident      |
|                                 | Steve Gebauer, Boutwells Farm Development engineer |
|                                 | Kevin von Riedel, Boutwells Farm Development       |
|                                 | Richard Schultz, Boutwell Rd., Stillwater resident |
|                                 | Bob Appert, Farms of Grant developer               |
|                                 | Andy Berg, Abdo Eick & Meyers LLP                  |

- 9  
10 **1) Call Regular Meeting to Order**  
11 President Leiser called the Regular Meeting to order at 6:30PM.  
12  
13 **2) Approve Regular Meeting Agenda and Discussion Agenda**  
14 Two items were pulled from the consent agenda and placed under new business as: 8b)  
15 Approve Washington Conservation District 2017-18 Service Agreement Amendment and  
16 Authorize President Leiser to execute upon advice of legal counsel, and 8c) Approve Scope  
17 for Fen, Long Lake Shoreline and Brown's Creek Trail Maintenance. Heifort Estates Joint  
18 Powers Agreement was also added to new business as 8d.  
19 **Manager Schwarze moved, seconded by Manager Johnson, to approve the Regular**  
20 **Meeting agenda and discussion agenda as amended. Motion carried, vote 4/0.**  
21  
22 **3) Public Comments -** There were no public comments.  
23

1 4) **Consent Agenda**

2 **Manager Johnson moved, seconded by Manager Maule Miller, to approve the consent**  
3 **agenda:**

- 4 • **Approve minutes from March 14, 2018 Regular Meeting.**
- 5 • **Accept the permit fee statement as presented.**
- 6 • **Authorize Manager registration, expenses, and per diems for the MAWD Summer**  
7 **Tour June 20-22, 2018.**
- 8 • **Approve “2017 Annual Report and 2018 Annual Plan” for distribution.**
- 9 • **Reschedule Management Plan Amendment Public Hearing to May 9, 2018 and**  
10 **authorize public notice.**

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

12  
13 5) **Permits**

14 a) **BCWD Permit 18-04 Boutwell Farms Development – Board Action**

15 Camilla Correll reported on the permit review for a proposed redevelopment of a 4.89  
16 acre residential parcel currently with one single-family home to 10 single-family  
17 residential homes and a new street with access off 80<sup>th</sup> Street North that will terminate as  
18 a cul-de-sac. The site is located on Boutwell Road, about 0.5 miles north of 75<sup>th</sup> Street  
19 North and 0.6 miles east of Manning Avenue North.

20  
21 The stormwater plan proposes two infiltration basins – one on the north side, one on the  
22 south side – and a swale that wraps around the northwest corner. Runoff will flow offsite  
23 from the infiltration basins in three locations: to the north, south, and west. A vegetated  
24 buffer is required on the west side of the property to help protect the groundwater-  
25 dependent tributary and wetlands adjacent to the site.

26  
27 President Leiser expressed concern that a homeowner may build a fence that could block  
28 the flow of drainage to the swale or infiltration basins. The administrator noted this can  
29 be addressed by adding language in the stormwater maintenance declaration.

30  
31 Rob Rosenberg asked about drainage flowing off-site to the north. Jared Fabian, EOR  
32 reported all the off-site drainage is flowing overland, there is no construction occurring  
33 outside of the property.

34  
35 Richard Schultz a neighbor of the development had a number of questions including:

- 36 • Will the existing Boutwell house and driveway remain? Kevin Von Riedel replied  
37 the house will remain, the granary will remain but be relocated on the property,  
38 and the driveway will be removed and a new driveway added from the cul-de-sac.
  - 39 • Will runoff from the street and cul-de-sac impact the buffer adjacent to the west  
40 side of the development? Ms. Correll replied runoff from the street and cul-de-sac  
41 will flow into the infiltration basins. Depending on landscape practices of the  
42 residential lots adjacent to the buffer, lawn chemicals could run off into the  
43 buffer.
  - 44 • How will the infiltration basins be vegetated? Ms. Correll replied they are  
45 shallow basins about 2 feet deep that collect the stormwater runoff from the street  
46 and cul-de-sac. They are required to be vegetated to prevent erosion and to  
47 infiltrate so that no standing water remains after 48 hours.
- 48

1 President Leiser asked Kevin Von Riedel and Steve Gebauer, representatives of the  
2 development, if they had any questions or comments and they replied they had no  
3 questions.  
4

5 **Manager Schwarze moved, seconded by Manager Maule Miller, to authorize permit**  
6 **18-04 Boutwell Farms Development with the conditions and stipulations in the**  
7 **engineer's report, as well as the addition to the stormwater management declaration**  
8 **of language prohibiting construction of any obstruction materially impeding**  
9 **stormwater flow to a stormwater facility or facilities on the site. Further the**  
10 **financial assurance will be retained to ensure establishment of vegetation in the**  
11 **buffer area, if necessary, pursuant to the rule 4.0 stipulation. Motion carried, vote**  
12 **4/0.**  
13

14 **b) BCWD Permit 13-19 Stillwater Readiness - Amendment – Board Action**

15 Administrator Kill reported BCWD received a complete permit application for the  
16 Stillwater Readiness Center on February 14<sup>th</sup>, requiring board action by April 14<sup>th</sup>. The  
17 District Engineer is requesting the review period be extended to allow the applicant time  
18 to address the district engineer's comments and questions.

19 **Manager Johnson moved, seconded by Manager Schwarze, to authorize a 60 day**  
20 **extension to June 13, 2018 for permit 13-19 Stillwater Readiness - Amendment.**  
21 **Motion carried, vote 4/0.**  
22

23 **c) BCWD Permit 17-01 Farms of Grant – Surety Revision Request – Board Action**

24 Camilla Correll reported on a request from Streetcar Holdings LLC to reduce the  
25 financial assurance for grading and land-alteration on permit 17-01 for the Farms of  
26 Grant development to include only the 37 acres of disturbance associated with  
27 construction of the road and stormwater facilities. The remaining 45 acres of disturbance  
28 will be conducted by the individual home builders under transferred permits.  
29

30 **Manager Leiser moved, seconded by Manager Johnson, to approve reduction in the**  
31 **financial assurance required from \$164,000 to \$74,000, for permit 17-01 Farms of**  
32 **Grant Development, which is an amount proportionate to the total amount of**  
33 **grading and other land-disturbing work for the street and infrastructure to be**  
34 **undertaken by the applicant (Streetcar Holdings LLC), and modification of the**  
35 **conditional approval of permit 17-01 to suspend approval for grading or other land-**  
36 **authorized activity on any individual lot until the transferee that will undertake**  
37 **grading and other land-disturbing activities on an individual lot or lots provides the**  
38 **proportionate share of the total financial assurance, and authorization of the**  
39 **administrator to approve such transfers on a determination, made in consultation**  
40 **with counsel, that the financial assurance condition has been satisfied. All**  
41 **conditions and stipulations in the August 9, 2017, approval, except as specifically**  
42 **modified by this motion remain effective. Motion carried, vote 4/0.**  
43

44 **6) Treasurer's Report**

45 **a) 2017 Audit Presentation – Andy Berg – Board Action**

46 Andy Berg, Abdo Eick & Meyers LLP, gave an overview of the 2017 BCWD annual  
47 financial report and management letter prepared by his firm.  
48

The audit recommended removal of former board members as bank signatories and confirm signors at each bank regularly to ensure that only current board members have authorization as signatories. BCWD agrees with this recommendation and has removed former board members as signors and will continue to monitor signors as staff and board members change.

**Manager Maule Miller moved, seconded by Manager Johnson, to accept the 2017 financial report and management letter. Motion carried, vote 4/0.**

**b) Review Authorized Funds Spreadsheet**

Administrator Kill presented the authorized funds spreadsheet.

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

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

**Manager Johnson moved, seconded by Manager Schwarze, to approve payment of bills as presented in the amount of \$49,701.60.**

|                             | <u>Yea</u> | <u>Nay</u> | <u>Abstain</u> | <u>Absent</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>   |            |                |               |
| <u>Manager Taillon</u>      |            |            |                | <u>X</u>      |

**Motion carried 4/0.**

**Manager Maule Miller moved, second by Manager Schwarze, to approve the treasurer’s report with a total balance of \$559,370.59 after payables.**

**7) Projects**

**a) 2017 Baseline Monitoring Results Presentation – Aaron DeRusha**

Aaron DeRusha, Washington Conservation District, gave an overview of the Brown’s Creek Watershed District 2017 water monitoring report. The report focuses on the summary of lake and stream water quality data collected by the Washington Conservation District (WCD) in 2017. Conditions observed in 2017 were drier than the last few seasons, but closer to the long term average in terms of total precipitation and storm intensity. The managers discussed the report and thanked Mr. DeRusha for his presentation.

Recess 8:26pm to 8:33pm

**b) Riparian Shading Study Presentation – Olivia Sparrow**

Olivia Sparrow, EOR, gave an overview of a riparian shading study. The purpose of the study was to develop a targeted riparian shade restoration plan within the three un-forested miles of Brown’s Creek. The study includes shade restoration projects for four areas and incorporating shade restoration best practices into BCWD’s activities and monitoring progress. The managers discussed the report and thanked Ms. Sparrow for her presentation.

1 c) **Diversion Headcut Repair – Select Contractor – Board Action**

2 Administrator Kill reported construction documents for the diversion headcut repair  
3 project were sent out to contractors with relevant experience and three quotes were  
4 received. Minnesota Native Landscapes was the low quote.

5 **Manager Leiser moved, seconded by Manager Johnson, to award the contract to**  
6 **Minnesota Native Landscapes for the base quote and the add alternate items for a**  
7 **total of \$33,735, and to authorize the administrator with input from legal counsel to**  
8 **approve construction change orders as needed, not to exceed a cumulative total of**  
9 **\$5,000 from account 959-0002 (Resource Assessment – Diversion Tribs – Head cut**  
10 **Repair). Motion carried 4/0.**

11  
12 8) **New Business**

13 a) **Emmons & Olivier Resources 2018 Rates**

14 Camilla Correll, EOR presented a proposed billing-rate increase for EOR staff. President  
15 Leiser asked how this will affect the BCWD budget. Ms. Correll reviewed the rates and  
16 retainer fee. The proposed retainer would increase by 2.9%. The rate for additional  
17 projects outside of the retainer would average a 3.5% increase. Numbers to demonstrate  
18 how this would impact the current budget were not readily available. Ms. Correll noted  
19 EOR is proposing to use the revised hourly fee schedule for BCWD on April invoices but  
20 can hold off on increasing the retainer if needed. The managers were reluctant to agree to  
21 an increase in the retainer without knowing the impact to the BCWD budget. The  
22 managers agreed the retainer will remain the same and EOR can use their new hourly  
23 rates for projects not included in the retainer.

24  
25 b) **Approve Washington Conservation District 2017-18 Service Agreement**  
26 **Amendment and authorize President Leiser – Board Action**

27 Michael Welch, Smith Partners reviewed the service agreement amendment. The  
28 managers asked how the proposed amendment will affect the BCWD budget.  
29 Administrator Kill noted the changes are already reflected in the current budget.

30 **Manager Schwarze moved, seconded by Manager Maule Miller, to approve the**  
31 **Washington Conservation District 2017-18 Service Agreement Amendment and**  
32 **authorize President Leiser to execute upon advice of legal counsel. Motion carried**  
33 **4/0.**

34  
35 c) **Approve Scope for Fen, Long Lake Shoreline and Brown's Creek Trail**  
36 **Maintenance – Board Action**

37 **Manager Schwarze moved, seconded by Manager Johnson, to approve**  
38 **subcontracting to EOR not to exceed: \$2,500 from account 953-0000 (Fen**  
39 **Management Plan Implementation) for Grant Fen maintenance, \$1,700 from**  
40 **account 947-0022 (Brown's Creek – Buffer and Stream Restoration) for Brown's**  
41 **Creek Trail maintenance at the floodplain restoration project, and to transfer**  
42 **\$3,000 from account 914-0000 (Homeowner BMP Program) to 940-0000 (BMP**  
43 **Program – LGU/Community Demonstration Projects) and authorize \$3,000 from**  
44 **940-0000 for Long Lake Shoreline maintenance. Motion carried 4/0.**

45  
46 d) **Heifort Estates Joint Power Agreement – Board Action**

47 Michael Welch, Smith Partners gave a summary of the joint powers agreement with  
48 BCWD and Carnelian-Marine-St Croix Watershed District concerning exercise of

1 regulatory authority over watershed-district permitting of the proposed Heifort Estates  
2 development in the City of Stillwater.

3 **Manager Schwarze moved, seconded by Manager Johnson, to authorize President**  
4 **Leiser to sign the Heifort Estates Joint Powers Agreement with Carnelian-Marine-**  
5 **St. Croix Watershed District with advice of counsel. Motion carried 4/0.**  
6

7 **9) Old Business**

8 a) **Lower St. Croix One Watershed One Plan – Appoint BCWD Representative and**  
9 **Alternate to Policy Committee (first policy committee meeting April 30<sup>th</sup> 4-6pm) –**  
10 **Board Action**

11 **Manager Maule Miller moved, seconded by Manager Johnson, to appoint President**  
12 **Leiser as the primary representative and Manager Schwarze as the alternate for the**  
13 **Lower St. Croix One Watershed One Plan policy committee. Motion carried, vote**  
14 **4/0.**  
15

16 **10) Discussion Agenda – No Action Required**

17 a) **Administrator Updates**

18 Administrator Kill asked the managers for ideas to highlight in the BCWD newsletter and  
19 numerous ideas were proposed.  
20

21 b) **Communications & Manager Reports**

22 President Leiser gave an update on MAWD business noting the outstanding work of the  
23 new executive director to improve communications with watershed districts on education  
24 and training opportunities.  
25

26 c) **May 2018 BCWD Board Agenda**

27 No items were suggested.  
28

29 **11) Adjournment**

30 **Manager Johnson moved, seconded by Manager Maule Miller, to adjourn the Regular**  
31 **Meeting at 10:16PM. Motion carried, vote 4/0.**  
32

33 Respectfully Submitted by Carmen Simonet, Recorder and Anne Maule Miller, Recording Secretary  
34