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2 Approved Minutes of the Regular Meeting of the Brown's Creek Watershed District Board of
3 Managers, Wednesday May 9, 2018 at 6:30 PM

4
5 Family Means, 1875 Northwestern Avenue South, Stillwater, MN 55082

6
7 **ROLL CALL**

Managers Present:	Others Present:
Craig Leiser, President	Karen Kill, Administrator
Sharon Schwarze, Vice President	Carmen Simonet, Recorder
Anne Maule Miller, Secretary	Michael Welch, Smith Partners, BCWD counsel
	Camilla Correll, EOR, BCWD engineer
Managers Absent:	Jared Fabian, EOR, BCWD engineer
Gerald Johnson, Treasurer	Cameron Blake, BCWD
Connie Taillon	David Hempel, Heritage Ridge representative
	Theresa Milbourn, Stillwater resident
	Joanna Eckles, Stillwater resident
	Pat Lockyer & Jim Purcell, Stillwater residents
	Mary Harycki, Stillwater resident
	Bob Appert, Farms of Grant representative
	Sonja & Brian Larson, Stillwater residents

- 8
9 **1) Call Regular Meeting to Order**
10 President Leiser called the Regular Meeting to order at 6:30PM.
11
12 **2) Approve Regular Meeting Agenda and Discussion Agenda**
13 The Iron Enhanced Sand Filter item was moved from the consent agenda and placed
14 under projects as: 7d) Iron Enhanced Sand Filter 2018 Operation and Maintenance –
15 Board Action.
16 **Manager Schwarze moved, seconded by Manager Maule Miller, to approve the**
17 **Regular Meeting agenda and discussion agenda as amended. Motion carried, vote**
18 **3/0.**
19
20 **3) Public Comments**
21 There were no public comments.
22
23

1 4) **Consent Agenda**

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

- 4 • **Approve minutes from April 11, 2018 Regular Meeting as presented.**
- 5 • **Accept the permit fee statement as presented.**
- 6 • **Authorize Manager registration and expenses for the St Croix Workshop**
7 **July 11, 2018.**

8 **Motion carried, vote 3/0.**

9
10 5) **Permits**

11 a) **BCWD Permit 18-05 Heritage Ridge – Board Action**

12 Camilla Correll, EOR reported on the permit review for Heritage Ridge, a proposed
13 7.2-acre single-family residential development with eight homes, located on Hazel
14 Street and adjacent to the Stillwater Country Club. The stormwater management plan
15 directs the runoff from 4.58 acres of the site to an infiltration basin in the southeast
16 corner of the development, using curb and gutter and underground stormwater piping.
17 The overflow from the basin outlets to the existing city storm sewer system at Hazel
18 Street. The remaining 2.62 acres of the site is directed north and flows overland into
19 three separate ravines toward Brown’s Creek. The district engineer recommends
20 approval with conditions and stipulations outlined in the engineer’s report.

21
22 President Leiser noted the managers have reviewed the plans and asked if they had
23 any further questions. The managers noted that the project appears to be well-
24 designed for the site, noting the proposal meets the BCWD buffer requirements.

25
26 President Leiser asked David Hempel, the representative for the development, if he
27 had any questions. Mr. Hempel thanked the district engineers for their time and
28 feedback, and said he feels confident the project can meet all recommended
29 conditions and stipulations.

30
31 Brian Larson, who lives on Hazel Court, asked for clarification on construction
32 phasing. Mr. Hempel said the first phase prepares six lots for building (Lots 2-7) and
33 is planned to take place in 2018. The two remaining lots (Lot 1 and Lot 8) will be
34 prepared in 2019. To prepare a lot means to have the curb and gutter in place, grade
35 the site, and stabilize the soil with groundcover. The homes will be built as the market
36 dictates.

37
38 James Purcell lives on Hazel Court and is concerned about the impervious surfaces
39 being added to the site and so much water being directed toward the culvert on Hazel
40 Street. Camilla Correll said that runoff from the impervious surfaces is directed to the
41 infiltration basin, where it will soak into the ground within 48 hours. Mr. Purcell said
42 the soils are clay in this area and asked how this can work. Mr. Hempel said that soil
43 borings were taken down to 20 feet to determine soil conditions and the soils used in
44 the infiltration practice are designed to infiltrate.

45

1 Mr. Purcell noted a large storm event in the past that overwhelmed the culvert near
2 his house and stormwater runoff from the golf course flooded his yard. The city has
3 since upgraded the storm sewer system in this area but he is still concerned about the
4 potential of flooding with large storm events. Ms. Correll noted water will flow down
5 the street when there is a 100-year storm event, but the modeling shows that it will be
6 an improvement over existing conditions.
7

8 Mary Harycki lives on Hazel Court and had two points. First, she wants to make sure
9 silt fences are maintained and roads are swept to keep the streets clean of sand and silt
10 for road safety. Second, between lots 7 and 8 along the ravine there is a problem with
11 erosion and she is concerned about additional runoff from lot 8 making the problem
12 worse. Ms. Correll said that the runoff from lot 8 is being redirected from the
13 backyard to the infiltration practice and would reduce the problem.
14

15 Mr. Larson asked about the height of the wall proposed for lot 7. Ms. Correll said the
16 drawing shows it will be 8 feet at the highest point and drop down on both ends to
17 meet grade. Mr. Hempel noted the wall may not be needed if the house is designed to
18 retain the slope.
19

20 Ms. Correll recommended two additional conditions in response to the discussion of
21 construction phasing:

- 22 – Add a clarification to the phasing plan that Lots 2-7 will be sequenced to be
23 fully constructed before the infiltration basin is brought online (consistent
24 with the Minnesota Stormwater Manual guidance);
- 25 – Submit the final retaining wall plans for BCWD approval to determine the
26 footprint is consistent with the overall development plan.
27

28 **Manager Maule Miller moved, seconded by Manager Schwarze, to approve the**
29 **application for permit 18-05 Heritage Ridge with the conditions and stipulations**
30 **in the engineer's report, as well as the additional recommended conditions offered**
31 **by the engineer. Motion carried, vote 3/0.**
32

33 Meeting recess 7:19 – 7:21pm
34

35 **b) BCWD Permit 17-01 Farms of Grant – Letter of Credit**

36 Administrator Kill reported that Bob Appert of Redstone Builders has raised the issue
37 of release the financial-assurance funds as a project is completed and wishes to
38 discuss with the managers. Mr. Appert addressed the managers and asked them to
39 consider delegating authority to the district administrator to release funds from the
40 letter of credit provided for permit 17-01 as portions of the work are completed. His
41 goal is to reduce the time it takes to release the funds so he pay contractors in a timely
42 manner.
43

44 Manager Schwarze stated that board approval is a necessary safeguard and is also
45 opposed to creating additional work for the administrator, which is a direct use of
46 taxpayer money. President Leiser and Manager Maule Miller agreed.

The Board further discussed the process to release portions of the financial assurance. Ms. Kill stated that the BCWD Board has released portions of a financial assurance on a drainage-area basis when work within a drainage area (catchment within a larger site) has been completed and the area stabilized (i.e., built and landscaped, including seed germination or sodding);the relative portion of the financial assurance for that area has been released when requested.

The Board also indicated that with submission of a financial assurance for transfer of a portion of the work authorized by a permit to another permittee, BCWD can release of a portion of the developer's financial assurance one-for-one. The Board was open to delegating this decision to the administrator.

6) **Treasurer’s Report**

a) **Review Authorized Funds Spreadsheet**

Manager Schwarze moved, seconded by Manager Maule Miller, to accept the authorized funds spreadsheet as presented. Motion carried 3/0.

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

Manager Schwarze moved, seconded by Manager Maule Miller, to approve payment of bills as presented in the amount of \$116,477.78.

	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 3/0.

7) **Projects**

a) **Riparian Shading Project Scope – Board Action**

Administrator Kill reported on a scope for a feasibility study of four capital improvement projects for reducing thermal loads to Brown’s Creek. The proposed projects were previously identified by the BCWD riparian shading study and the goal is to help prioritize the projects and pursue grant funding for implementation. Ms. Kill noted additional funds remain from the riparian shade study that can be used for this study.

Manager Schwarze moved, seconded by Manager Maule Miller, to approve the feasibility study of options for reducing thermal loads to Brown’s Creek, and to authorize expenditure not to exceed \$16,000 from the following accounts: \$11,000 from account 957-0001 (Brown’s Creek Thermal Study) and \$5,000 from account 912-0000 (Grant Preparation). Motion carried 3/0.

b) **McKusick Wetland Investigation Scope – Board Action**

1 Administrator Kill reported 2017 monitoring of the Lake McKusick wetland outlet
2 has found it to be a significant source of warm water and phosphorous to Brown's
3 Creek. Studying this 58 acre wetland complex will hopefully lead to opportunities for
4 BCWD to reduce the impact of these pollutants on Brown's Creek and the St. Croix
5 River. Camilla Correll, EOR presented a scope of services to study and evaluate
6 options for reducing nutrient and thermal loads to Brown's Creek from the Lake
7 McKusick wetland.

8 **Manager Schwarze moved, seconded by Manager Maule Miller, to transfer**
9 **\$21,265 from account 959-0002 (Resource Assessment – Diversion Tribs – Head**
10 **cut Repair) and \$4,437 from account 300-4950 (Management Plan**
11 **Implementation – miscellaneous) to a new account 947-0024 (Brown's Creek –**
12 **McKusick Wetland Feasibility Study) and to authorize not to exceed \$25,700**
13 **from 947-0024 for the study of options for reducing thermal and nutrient loads**
14 **to Brown's Creek from the Lake McKusick wetland. Motion carried 3/0.**
15

16 c) **Drone Flight – Board Action**

17 Camilla Correll, EOR presented a scope for an aerial assessment of Brown's Creek
18 corridor using a drone and preparing a summary report with a map of beaver dams
19 and other blockages. Administrator Kill noted a routine drone flight (every other
20 year) is included in the 2017-2026 BCWD watershed management plan.

21
22 Michael Welch, Smith Partners reported the drone operator is out of Iowa and will be
23 a subcontractor to EOR. He outlined the current regulations for drone use and said he
24 has discussed with EOR conditions that legal recommends be included in the
25 contract. Legal counsel recommends the Board require that the drone pilot register
26 with MnDOT, follow all federal regulations, carry specific drone insurance, require
27 property owner notification for those few homes within 200 feet of the Brown's
28 Creek corridor, and that all data acquired will be the property of BCWD.

29
30 **Manager Leiser moved, seconded by Manager Schwarze, to authorize**
31 **expenditure not to exceed \$2,786 from the following accounts: \$2,000 from**
32 **account 947-0020 (Brown's Creek – Stream Channel Survey) and \$786 from**
33 **account 300-4950 (Management Plan Implementation – miscellaneous) for EOR**
34 **to subcontract for a drone flight of Brown's Creek corridor with the conditions**
35 **recommended by counsel. Motion carried 3/0.**
36

37 d) **Iron Enhanced Sand Filter 2018 Operation and Maintenance – Board Action**
38 **Manager Maule Miller moved, seconded by Manager Schwarze to approve the**
39 **scope for Iron Enhanced Sand Filter 2018 Operation & Maintenance and**
40 **authorize expenditure not to exceed \$18,560 from account 948-0000 (CIP**
41 **Maintenance) 3/0.**
42

43 Recess 8:42 – 8:47pm
44

45 8) **New Business**

46 a) **Rice Creek/BCWD Boundary update – Board Action**

1 Administrator Kill reported Rice Creek Watershed District (RCWD) is moving
2 forward with boundary changes along the entire common boundary between RCWD
3 and BCWD based on LiDAR data.

4 **Manager Leiser moved, seconded by Manager Maule Miller, to authorize the**
5 **hydrologic boundary and parcel re-assignment proposed by RCWD. Motion**
6 **carried, vote 3/0.**
7

8 **9) Old Business**

9 Administrator Kill provided a follow-up to a question raised at last month's meeting
10 about EOR's rate increase and how it will impact BCWD budget: EOR's new rates will
11 increase the BCWD budget by about \$9,000.

12 **Manager Schwarze moved, seconded by Manager Maule Miller, to authorize the**
13 **president execute an amendment for the EOR contract. Motion carried, vote 3/0.**
14

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

16 **a) Administrator Updates**

17 Administrator Kill reported on current BCWD activities.

18
19 MAWD is calling on administrators and managers to participate on committees.

20 Managers Leiser and Maule Miller are interested in participating and will follow-up
21 with Emily Javens.
22

23 **b) Communications & Manager Reports**

24 President Leiser gave an update on MAWD business including bills at the capitol and
25 the improvements made by the MAWD executive director to their website and other
26 forms of communication.
27

28 Manager Maule Miller asked about the status of reviewing the City of Stillwater's
29 local surface water management plan. Administrator Kill responded that no further
30 discussion has taken place since the last staff meeting and she will follow up with the
31 City.
32

33 **c) June 2018 Regular BCWD Board Agenda**

34 No items were suggested.
35

36 **11) Adjournment**

37 **Manager Maule Miller moved, seconded by Manager Schwarze, to adjourn the**
38 **Regular Meeting at 9:38PM. Motion carried, vote 3/0.**
39

40 Respectfully Submitted by

41 Carmen Simonet, Recorder and Anne Maule Miller, Recording Secretary
42