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2 Approved Minutes of the Regular Meeting of the Brown's Creek Watershed District Board of  
3 Managers, Wednesday, May 13, 2020 at 6:30 PM  
4

5 *Based on Brown's Creek Watershed District President Craig Leiser's determination pursuant to*  
6 *Minnesota Statutes 13D.021, subdivision 1, that because of health concerns raised by the*  
7 *COVID-19 pandemic it was not prudent to meet in person, the meeting was held electronically,*  
8 *via webcast.*  
9

10 ROLL CALL

<b>Managers Present:</b>	<b>Others Present:</b>
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
Charles LeRoux, Secretary	Camilla Correll, EOR, BCWD engineer
	Cameron Blake, BCWD staff
	Paul Fritton, EOR, BCWD engineer
<b>Managers Absent:</b>	Derek Lash, EOR, BCWD engineer
Klayton Eckles, 1 <sup>st</sup> Vice President	Pat Conrad, EOR, BCWD engineer
	Aaron DeRusha, Washington Conservation District
	Cecilio Olivier, EOR, BCWD engineer
	Brett Emmons, EOR BCWD engineer
	Ryan Fleming, EOR, BCWD engineer
	Nathan Arnold, Washington County Public Works
	Patrick Renner, Applewood Golf Course
	Reabar Abdullah, City of Stillwater
	Shawn Sanders, City of Stillwater
	Christopher Knopik, CliftonLarsonAllen
	Ezra Koetz, CliftonLarsonAllen
	Connie Taillon, Resident
	Rick Vanzwol, Resident
	Ann McLellan, Resident
	Celia Wirth, Resident
	Mark Lambert, Summit Management
	Jody Rooney, Resident
	Jon and Cheryl Ustipak, Residents

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

2) **Approve Regular Meeting Agenda and Discussion Agenda**  
Manager Schwarze moved, seconded by Manager Johnson, to approve the Regular Meeting agenda and discussion agenda as presented.

	Yea	Nay	Abstain	Absent
Manager Eckles				X
Manager Johnson	X			
Manager Leiser	X			
Manager LeRoux	X			
Manager Schwarze	X			

Motion carried 4/0.

3) **Public Comments -**  
 There were no public comments.

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

- Approve minutes from April 8, 2020 Regular Meeting as presented.
- Accept the permit fee statement as presented.
- Approve purchase of replacement of three temperature loggers not to exceed \$450 from account 300-4640 (Equipment Maintenance and Upgrades).
- Approve Legends homeowners association 50% Cost-Share Grant as recommended by BMP Subcommittee not to exceed \$2,500 from account 914-0000 (Homeowner BMP Program).

	Yea	Nay	Abstain	Absent
Manager Eckles				X
Manager Johnson	X			
Manager Leiser	X			
Manager LeRoux	X			
Manager Schwarze	X			

Motion carried 4/0.

5) **Treasurer's Report**

a) **2019 Audit Presentation – Board Action**

Christopher Knopik and Ezra Koetz of CliftonLarsonAllen gave an overview of the 2019 BCWD annual financial report prepared by their firm, noting an unmodified or clean opinion.

Manager LeRoux moved, seconded by Manager Johnson, to accept the 2019 financial report as amended to cite the specific statutory provision requiring payments to be made within 35 days, Minnesota Statutes section 471.424, subdivision 2(a).

	Yea	Nay	Abstain	Absent
Manager Eckles				X

1        Manager Johnson        X  
 2        Manager Leiser        X  
 3        Manager LeRoux        X  
 4        Manager Schwarze        X  
 5        Motion carried 4/0.

6  
 7        **b) Review Authorized Funds Spreadsheet**

8        Administrator Kill presented the authorized funds spreadsheet.

9        Manager Johnson moved, seconded by Manager Schwarze, to approve the  
 10        authorized funds spreadsheet as presented.

	Yea	Nav	Abstain	Absent
<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>			

17        Motion carried 4/0.

18  
 19        **c) Current Items Payable – Board Action**

20        Manager Johnson moved, seconded by Manager LeRoux, to approve payment of  
 21        bills as presented in the amount of \$86,854.19.

	Yea	Nav	Abstain	Absent
<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>			

28        Motion carried 4/0.

29  
 30        Treasurer Johnson reported a total balance of \$1,017,610.15 after payables.  
 31        Administrator Kill noted she is anticipating a possible reduction in the first levy  
 32        payment because property tax payment deadlines were pushed back by Washington  
 33        County to respond to economic hardship caused by the Covid-19 pandemic.

34  
 35        **6) Permits**

36        **a) BCWD Permit 19-05 Neal Ave Reconstruction – Board Action**

37        Administrator Kill reported the City of Stillwater has been working with BCWD  
 38        staff to find ways to provide stormwater management for the city’s reconstruction of  
 39        Neal Avenue, but has still come up short of meeting all BCWD standards. The site is  
 40        challenging for stormwater management due to soils not well suited for infiltration  
 41        and high groundwater in the area. Shawn Sanders, City of Stillwater acknowledged  
 42        the difficulties of working within a narrow corridor to handle both stormwater  
 43        management and the applicable state safety design requirements and adding a trail  
 44        for public safety.

45

1 Paul Fritton, EOR reported on the permit review. The project area extends from  
2 Boutwell Road to White Pine Way and crosses Brown's Creek just north of the  
3 Brown's Creek State Trail. There are four locations where runoff leaves the site.  
4 Currently a rural section road, improvements include curb and gutter with storm  
5 sewer installation and the addition of roadside parking spaces and a pedestrian trail.  
6 Stormwater management includes 34 tree boxes for runoff treatment, a grassy swale  
7 with riprap check dams to slow the flow of runoff, connecting the storm sewer to the  
8 rock crib treatment system at Brown's Creek Park, and a valve to allow additional  
9 flow to enter the Lake McKusick diversion pipe for future stormwater reuse at Oak  
10 Glen Golf Course. Mr. Fritton noted that for purposes of the review, stormwater  
11 performance was analyzed with the valve closed, reflecting the city's present  
12 intention.

13  
14 Michael Welch, Smith Partners noted the rock crib treatment system is a BCWD  
15 capital improvement project designed to accommodate drainage from Neal Avenue  
16 north of the Brown's Creek trail. Because of changes to the BCWD rules since the  
17 agreement with the city for the rock crib project and because the scope of the project  
18 is greater than just the section that the section of road draining to the rock crib,  
19 BCWD stormwater management requirements apply where the agreement  
20 anticipated that they wouldn't. Still, he noted, the rock crib is treating stormwater in  
21 as intended.

22  
23 Mr. Fritton explained that the applicant is seeking variances from the BCWD  
24 standards for rate and volume control, pollutant loading, and floodplain  
25 management. Site factors contributing to the variance requests are the limited right-  
26 of-way space for BMPs, poorly draining soils, and shallow groundwater.

27  
28 The managers expressed concern over the increase in thermal loading and its impacts  
29 on the creek. Reabar Abdullah, City of Stillwater pointed out the swale with riprap  
30 check dams will help in reducing the thermal impacts by allowing increased contact  
31 time with the vegetation. The check dams were not in the plans in time for the  
32 BCWD engineer to analyze their capacity to reduce impact on Brown's Creek  
33 aquatic habitat. Brett Emmons, EOR noted that in the future, additional runoff from  
34 the road could potentially be diverted to the Lake McKusick and the reuse system  
35 BCWD is seeking to construction at Oak Glen Golf Course.

36  
37 President Leiser asked attendees for comments.

38  
39 Jody Rooney lives near Neal Avenue and McKusick Road and asked for clarification  
40 on the highway drainage near the state land and expressed concern about potential  
41 erosion of the steep slopes of the creek. Paul Fritton noted stormwater does not  
42 discharge into the creek in that area, it flows to Lake McKusick through the  
43 diversion pipe running along the south side of Brown's Creek Trail.

44  
45 Jon and Cheryl Ustipak voiced their opposition to the improvements, citing  
46 increased pervious surface, loss of large trees and the potential impacts on the creek.

1 Shawn Sanders responded that there was a public hearing on the additional parking  
2 lane and the city council approved it. He noted there was opposition, but the majority  
3 of residents were in favor of a parking lane on the east side of the road.  
4

5 Ann McLellan stated that she lives on Eagle Ridge Trail and is a longtime resident  
6 of the area. She said she is concerned about the improvements adding to the traffic  
7 congestion in the area, tree removal, and the addition of the curb and gutter, trapping  
8 turtles when they try to cross the road.  
9

10 Shawn Sanders noted the safety design standards for improving the road led to the  
11 curb and gutter to help reduce the number of trees that would need removal. If no  
12 curb and gutter, then the city would be required to have a 30-foot clear zone. The  
13 addition of the trail should help ease road congestion by getting some of the bicycles  
14 off the road.  
15

16 Camilla Correll, EOR offered to perform a thermal analysis within a day, to provide  
17 the managers with a more complete picture of the impact of the project on the creek.  
18 Shawn Sanders, City of Stillwater questioned the usefulness of the analysis and  
19 asked whether it would take into account the trees at maturity. Manager LeRoux said  
20 in order to make an informed decision, the analysis is significant. Administrator Kill  
21 said with the site limitations it does not appear there is much more the city can do in  
22 the corridor to improve thermal conditions. The Board agreed and would like the  
23 thermal analysis to help guide future thermal reduction projects.  
24

25 **Manager Johnson moved, seconded by Manager Schwarze, to authorize permit**  
26 **20-05 Neal Avenue Improvements with the conditions and variances outlined in**  
27 **the engineer’s report.**

	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 4/0.</u></b>				

35  
36 **Manager Johnson moved, seconded by Manager LeRoux, to authorize EOR to**  
37 **perform a thermal analysis on the Neal Avenue Improvements project to learn**  
38 **how it impacts the creek for BCWD knowledge and understanding going**  
39 **forward, not to exceed \$2,000 from account number 300-4703 (Permitting,**  
40 **Engineering Review), results to be included in the July meeting packet and**  
41 **added as an addendum to BCWD record on the permit 20-05 Neal Avenue**  
42 **Improvements.**

	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>			

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1            Manager LeRoux            X  
 2            Manager Schwarze        X  
 3            Motion carried 4/0.

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 5            Ryan Fleming, EOR called attention to an error in the engineer’s report. Stipulation  
 6            number 2 requiring proof of decompaction and compost does not apply to this  
 7            project.

8            Manager Johnson moved, seconded by Manager Schwarze, to remove  
 9            stipulation number 2 from the engineer’s review, permit 20-05 Neal Avenue  
 10           Improvements.

	Yea	Nav	Abstain	Absent
<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 4/0.</u>				

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 19        7) **Projects**

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

21           Administrator Kill reported EOR has updated the design and cost estimates as  
 22           directed at the April meeting though it required going beyond the approved tasks and  
 23           they have not invoiced for the additional work. Derek Lash, EOR presented the  
 24           updated design and cost estimates for two options (open trench and directional bore)  
 25           for implementing the Applewood reuse project. The project provides additional  
 26           volume and water quality treatment from the drainage coming from CSAH 15/TH 36  
 27           interchange reconstruction project. The district engineer prefers directional boring,  
 28           which provides less disturbance and cost savings of about \$21,000 over the open-  
 29           trench design.

30  
 31           Nathan Arnold, Washington County Public Works confirmed the county is on  
 32           schedule with final design for the interchange expected at the end of summer. He  
 33           noted the cost difference between construction of wet ponds rather than filtration  
 34           ponds is \$250,000. The county is willing to contribute that amount and provide a  
 35           50/50 match for construction costs above the \$250,000, which is their usual practice.  
 36           The County expects BCWD to take on the engineering costs on the Applewood site.

37  
 38           Patrick Renner, Applewood Golf Course noted they are willing participants in this  
 39           project. They are encouraged that the county can do this in an economical way and  
 40           he noted the strategic value to the golf course in having redundancy in their water  
 41           supply. He is also supportive of the directional-boring approach, not only because of  
 42           less disruption but also believes the HDPE pipe used in directional boring will  
 43           require less maintenance over time.

44  
 45           The managers expressed their support for the project and desire to move forward.

1 President Leiser asked the administrator where this project fits in the BCWD 10-year  
 2 management plan. Ms. Kill said it was included in the update of the management  
 3 plan under account 929-0010 (Long Lake - Implementation - regional treatment)  
 4 with a budget of \$135,000 of which \$22,000 has been spent. In order to move  
 5 forward with final design, the next step is a public hearing and ordering the project  
 6 as a capital improvement project.

7 **Manager Schwarze moved, seconded by Manager LeRoux, to direct the**  
 8 **administrator to notice a public hearing for the Applewood Stormwater Reuse**  
 9 **project at the June meeting and to direct legal counsel to work with Applewood**  
 10 **Hills Golf Course on the terms for the project agreement.**

	Yea	Nav	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>			

17 **Motion carried 4/0.**

- 18
- 19 **b) 2019 Baseline Monitoring Report Presentation – Aaron DeRusha, WCD**  
 20 Aaron DeRusha, Washington Conservation District, gave an overview of the  
 21 Brown’s Creek Watershed District 2019 water monitoring report. The report focuses  
 22 on the summary of lake and stream water quality data collected by the Washington  
 23 Conservation District in 2019. Conditions observed in the watershed in 2019 were  
 24 the wettest on record, with the most water flowing through Brown’s Creek and  
 25 ponding in low-lying areas since 2002.

26

27 The managers discussed the report and thanked Mr. DeRusha for a concise and  
 28 excellent presentation. Administrator Kill asked the managers to send her feedback  
 29 on the amount of information they find most helpful for decision-making, such as a  
 30 full report or whether a trend and analysis report is more useful.

31

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

33 **a) Administrator Updates**

34 Administrator Kill reported on current activities including:

- 35 - Provided an account of upcoming permits.
- 36 - Activity on lake water management plans – phase one of Bass Lake East and  
 37 West is completed. Phase two is a public outreach component, she is holding off  
 38 on that for now.
- 39 - Maintenance on the iron enhanced sand filter is proceeding.

40

41 Administrator Kill is anticipating working remotely through at least June 1<sup>st</sup>.

42

43 **b) Communications & Manager Reports**

44 Rick Vanzwol, past BCWD manager commented he enjoyed the meeting and noted  
 45 the webcast format made it accessible for him to attend.

46

1 Michael Welch, Smith Partners reported on the latest governor’s order. For now,  
2 there are no changes needed to BCWD’s determination of essential work, but the  
3 managers may now meet in person if they wish. The administrator noted that given  
4 that Family Means is no longer available and uncertainties about the Washington  
5 Conservation District’s re-opening plan, BCWD should plan to meet via web cast  
6 again in June.  
7

8 **c) June 2020 Regular BCWD Board Agenda**

9 No items were suggested.

10  
11 **9) Adjournment**

12 **Manager Johnson moved, seconded by Manager Schwarze, to adjourn the Regular**  
13 **Meeting at 9:50PM.**

	<b>Yea</b>	<b>Nay</b>	<b>Abstain</b>	<b>Absent</b>
<b><u>Manager Eckles</u></b>				<b>X</b>
<b><u>Manager Johnson</u></b>	<b>X</b>			
<b><u>Manager Leiser</u></b>	<b>X</b>			
<b><u>Manager LeRoux</u></b>	<b>X</b>			
<b><u>Manager Schwarze</u></b>	<b>X</b>			

20 **Motion carried 4/0.**

21  
22 Respectfully Submitted by

23 Carmen Simonet, Recorder and Charles LeRoux, Recording Secretary