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2 Approved Minutes of the Regular Meeting of the Brown’s Creek Watershed District Board of
3 Managers, Wednesday, June 9, 2021 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 it was not prudent to meet in person because of*
7 *health concerns raised by the COVID-19 pandemic, the meeting was held electronically, via*
8 *webcast.*
9

10 ROLL CALL

Managers Present:	Others Present:
Klayton Eckles, President (arrived 7:08pm)	Karen Kill, Administrator
Celia Wirth, Vice President	Carmen Simonet, Recorder
Charles LeRoux, Secretary	Michael Welch, Smith Partners, BCWD counsel
Gerald Johnson, Treasurer	Camilla Correll, EOR, BCWD engineer
	Cameron Blake, BCWD staff
	Paul Fritton, EOR, BCWD engineer
	Ryan Fleming, EOR, BCWD engineer
	Ally Mark, EOR, BCWD engineer
	Kevin Biehn, EOR, BCWD engineer
	Reabar Abdullah, city of Stillwater
	Scott Johnson, Resident
	Conner Deur , Elan Design Lab
	Dave Weiss
	Kevin C

11
12 1) **Call Regular Meeting to Order @ 6:30PM**
13 Manager Wirth called the Regular Meeting to order at 6:30PM.
14

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

	Yea	Nav	Abstain	Absent
<u>Manager Eckles</u>				X
<u>Manager Johnson</u>	X			
<u>Manager LeRoux</u>	X			
<u>Manager Wirth</u>	X			

23 **Motion carried 3/0.**

1
2 **3) Public Comments**
3 There were no public comments.
4

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

- 8 • **Approve minutes of the May 12, 2021, regular meeting as presented.**
- 9 • **Accept the permit fee statement as presented.**
- 10 • **Authorize the administrator to enter into a property-access and -use**
11 **agreement for the tributary stabilization project with Peter and Susan**
12 **Truhler with advice of counsel.**
- 13 • **Authorize the administrator to enter into a property-access and -use**
14 **agreement for the tributary stabilization project with Klayton and JoAnna**
15 **Eckles with advice of counsel.**
- 16 • **Authorize President or Vice-President to execute the Washington**
17 **Conservation District agreement amendment.**
- 18 • **Approve permit database conversion scope, transfer \$3,620 from 300-4950**
19 **(Miscellaneous Management Plan) to 300-4704 (Permit Inspection Database)**
20 **and approve not to exceed \$3,650 from 300-4704 (\$1,545 for Emmons and**
21 **Olivier, \$1225 Washington Conservation District labor, and \$850 ArcGIS**
22 **licenses) to convert the BCWD permit database information into the new**
23 **system.**

	Yea	Nay	Abstain	Absent
<u>Manager Eckles</u>				<u>X</u>
<u>Manager Johnson</u>	<u>X</u>			
<u>Manager LeRoux</u>	<u>X</u>			
<u>Manager Wirth</u>	<u>X</u>			
<u>Motion carried 3/0.</u>				

30
31 **5) Treasurer's Report**

32 a) **Review Authorized Funds Spreadsheet**

33 Administrator Kill presented the authorized funds spreadsheet.

34 **Manager Johnson moved, seconded by Manager LeRoux, to approve the**
35 **authorized funds spreadsheet as presented.**

	Yea	Nay	Abstain	Absent
<u>Manager Eckles</u>				<u>X</u>
<u>Manager Johnson</u>	<u>X</u>			
<u>Manager LeRoux</u>	<u>X</u>			
<u>Manager Wirth</u>	<u>X</u>			
<u>Motion carried 3/0.</u>				

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

2 **Manager Johnson moved, seconded by Manager LeRoux, to approve payment of**
 3 **bills as presented in the amount of \$117,675.49**

	Yea	Nay	Abstain	Absent
<u>Manager Eckles</u>				X
<u>Manager Johnson</u>	X			
<u>Manager LeRoux</u>	X			
<u>Manager Wirth</u>	X			
<u>Motion carried 3/0.</u>				

10
 11 *(Manager Eckles joined the meeting at 7:08 p.m.)*

12
 13 **6) Permits**

14 **a) BCWD Permit #18-06 Nottingham Amendment – Board Action**

15 Ryan Fleming, EOR reported on a permit amendment request for the Nottingham
 16 Village, a residential subdivision in Stillwater. The permit was issued in August
 17 2018 and expired in August 2019. The permit amendment requests approval of a
 18 revision of the lowest floor elevation on three lots, to provide a full basement instead
 19 of the originally proposed slab on grade construction. The applicant collected
 20 additional data in March 2021 to determine the allowable lowest floor elevation and
 21 the rule requirements are met. Mr. Fleming noted that the permit also needs to be
 22 reinstated because the one-year valid period has elapsed.

23
 24 Manager LeRoux asked about the permit lapse. Administrator Kill noted the BCWD
 25 policy is to issue a one-year permit unless the applicant asks for a longer period. This
 26 has been adequate for erosion control permits but not for development projects
 27 which take longer to complete. Ms. Kill plans to add expiring permits to the consent
 28 agenda for the managers to consider reinstating for an additional year.

29
 30 **Manager LeRoux moved, seconded by Manager Johnson, to approve amending**
 31 **permit 18-06 Nottingham Village, with the conditions and stipulations outlined**
 32 **in the engineer’s report, and reinstating the permit for one year.**

	Yea	Nay	Abstain	Absent
<u>Manager Eckles</u>				X
<u>Manager Johnson</u>	X			
<u>Manager LeRoux</u>	X			
<u>Manager Wirth</u>	X			
<u>Motion carried 3/0.</u>				

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 40 **b) BCWD Permit #21-13 Marylane Gateway – Board Action**

41 Paul Fritton, EOR reported on the Marylane Gateway permit application for a
 42 proposed six-home single-family residential subdivision redevelopment located on
 43 Marylane Avenue North. The site is surrounded by other residential developments
 44 including Rutherford station to the west, Marylane Meadows to the south, and
 45 Brown’s Creek Preserve to the east. These developments all have stormwater
 46 management basins that overflow to a main system called the Marylane Drainage

1 Improvement Project (MDIP). The proposed Marylane Gateway project includes an
2 infiltration basin, vegetated swales, curb and gutter, and storm sewers, and will also
3 overflow to the MDIP.
4

5 Manager Wirth asked for more information on the use of swales instead of pipes.
6 Paul Fritton noted vegetated swales need to be regularly inspected and maintained
7 such as cleaning out sediment if it builds up. They can also carry more water than a
8 pipe, and they add habitat. Camilla Correll noted additional benefits include slowing
9 the flow of runoff, infiltration, and allowing sediment time to drop out.
10

11 Scott Johnson lives directly behind the development and said he experienced
12 flooding before improvements were made to the drainage system. He is concerned
13 though, about the size of the proposed onsite stormwater basin and the odd shape
14 and wondered why there is not a consistent oval shape with a green buffer. Paul
15 Fritton noted that the MDIP was designed to handle stormwater from the new
16 development.
17

18 Conner Deur of Elan Design Lab gave an overview of the design. The basin layout
19 increased in size to accommodate lower finished floor elevations. The basin shape
20 was driven by the desire to preserve existing trees and to maximize the usable area
21 of each lot. The areas between the lots are swales that provide pretreatment and rate
22 control. The area between the infiltration basin and the lot line is small, but the lots
23 will not be graded except by the homeowners. The expectation is that homeowners
24 will want to preserve some existing trees and vegetation to enhance their homes.
25

26 Manager Eckles asked about the 30' wide city easement next to the development.
27 Conner Deur said the only work occurring in the easement is the installation of a
28 pipe to the MDIP drainage system. Reabar Abdullah of the city of Stillwater added,
29 the vegetation in the easement will remain at this time.
30

31 Michael Welch, Smith Partners called attention to the condition in the engineer's
32 report identifying two options on stormwater facility maintenance. Either a
33 declaration will be made by the owner to perform maintenance or the owner will
34 obtain a letter from the city of Stillwater that will incorporate it into the existing
35 maintenance cooperative agreement. He noted that under the second option, BCWD
36 would have only an indirect, nonbinding maintenance commitment.
37

38 Manager Eckles noted his support for the project despite the potential difficulty in
39 getting multiple owners to maintain a shared system.

40 **Manager Eckles moved, seconded by Manager Johnson, to approve the permit**
41 **application for permit 21-13 Marylane Gateway with conditions and**
42 **stipulations outlined in the engineer's report.**
43
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46

	<u>Yea</u>	<u>Nav</u>	<u>Abstain</u>	<u>Absent</u>
Manager Eckles	X			
Manager Johnson	X			
Manager LeRoux	X			
Manager Wirth	X			
<u>Motion carried 4/0.</u>				

c) **BCWD Permit #21-21 Millbrook West Park – Board Action**

Paul Fritton, EOR reported on a permit application by the city of Stillwater to pave over the existing gravel parking lot at Millbrook West Park, located at the southeast corner of Manning Avenue and Highway 96. The new impervious surface would total 0.55 acres, with an infiltration basin capturing all the runoff except for the amount from the parking lot entrance area and grassy slope east of the paved area. The entrance and grassy area will drain into the existing roadside ditch along Manning Avenue. The city is requesting a variance from the rate-control requirement, because the lower elevation of the parking lot entrance prevents runoff from this area being routed to the infiltration basin.

Manager Johnson moved, seconded by Manager Eckles, to approve the permit application and variance for Millbrook West Park with conditions and stipulations outlined in the engineer’s report.

	<u>Yea</u>	<u>Nav</u>	<u>Abstain</u>	<u>Absent</u>
Manager Eckles	X			
Manager Johnson	X			
Manager LeRoux	X			
Manager Wirth	X			
<u>Motion carried 4/0.</u>				

7) **Projects**

a) **Brown’s Creek Bluff Survey Results – Kevin Biehn, EOR**

Kevin Biehn, EOR presented the survey results of two actively eroding bluffs in the lower gorge of Brown’s Creek, located west of highway 95 and south of highway 96. The bluffs are owned by the MN Department of Natural Resources, and are part of the Brown’s Creek Aquatic Management Area.

The erosion has been monitored for over a decade by BCWD. Results of the assessment include that it is likely a natural instability, has contributed about 128 cubic yards of sediment and about 140 pounds of phosphorus into the creek. The very steep bluffs are clay soils that become fluid in the wet spring months, and hard as rock in the dry summer months.

DNR is planning to address the bluff erosion. Karen Kill reported she was on site with DNR staff and they are pursuing a grant for the work and will know in 2022 if they receive funding. They are planning to take a light approach relying more on hand-work rather than heavy machinery. Kevin Biehn noted the current practice for this type of project is to address the toe of the slope rather than the bluff. Managers thanked Kevin for the informative presentation.

Manager Eckles moved, seconded by Manager Wirth, to authorize staff to prepare a letter supporting the agency’s request for funding to address the erosion.

	Yea	Nay	Abstain	Absent
<u>Manager Eckles</u>	<u>X</u>			
<u>Manager Johnson</u>	<u>X</u>			
<u>Manager LeRoux</u>	<u>X</u>			
<u>Manager Wirth</u>	<u>X</u>			
<u>Motion carried 4/0.</u>				

8) Craig Leiser Resignation

Karen Kill noted the recent resignation of Craig Leiser from the board. She reported on the subcommittee and liaison positions that were held by Craig Leiser, as well as other positions that are vacant and need to be filled. Manager Eckles asked the administrator if a list of the roles with descriptions could be distributed to the managers for review. Ms. Kill will bring this to the July meeting.

a) Selection of Officers

Manager Wirth noted that Craig Leiser resigned after 24 years of service as president, from 1997 to the present. The managers discussed his impressive leadership skills and the need to fill the vacancy.

Manager Johnson moved, seconded by Manager LeRoux, to appoint Klayton Eckles as president, Celia Wirth as vice president, Gerald Johnson as treasurer, Charles LeRoux as secretary, and to leave the 2nd vice president position open.

	Yea	Nay	Abstain	Absent
<u>Manager Eckles</u>	<u>X</u>			
<u>Manager Johnson</u>	<u>X</u>			
<u>Manager LeRoux</u>	<u>X</u>			
<u>Manager Wirth</u>	<u>X</u>			
<u>Motion carried 4/0.</u>				

b) Recognition of Service

Karen Kill reported on a suggestion made to recognize Manager Leiser service. A tentative date of June 30 was set for a small gathering of friends and family either to be held outside or with virtually.

9) Discussion Agenda – No Action Required

a) Updates

(1) Administrator – Bass Lake Public Meetings June 10th at Noon and 6pm

- Karen Kill reported BCWD is working towards plans for east and west Bass Lake and have 1 hour information meetings scheduled for the public at noon and again at 6pm on June 10th.
- BCWD received an email from Family Means saying they are planning to open August 1st for public use of their meeting rooms.
- A full list of administrator updates is included in the Board packet.

1 **(2) Legal**

2 Michael Welch noted he will provide a short memo for the July meeting on
3 returning to in-
4

5 He added that BCWD is obtaining quotes for the Millbrook project. One of the
6 members of the Millbrook homeowners association is a landscape contractor and
7 plans to submit a quote. There is no conflict of interest, staff just wanted to let
8 the managers know.
9

10 **(3) Engineer**

11 No additional reports.
12

13 **(4) Managers**

14 No additional reports.
15

16 **b) June Strategic Planning Workshop – June 23rd at 5-8pm**

17 Karen Kill reported the June workshop will focus on strategic planning rather than
18 specific details and will be held in conjunction with the Citizen Advisory Committee.
19

20 **c) July 2021 Regular BCWD Board Agenda**

21 No items were suggested.
22

23 **9) Adjournment**

24 **Manager Johnson moved, seconded by Manager Wirth, to adjourn the Regular**
25 **Meeting at 9:01PM.**

	Yea	Nay	Abstain	Absent
<u>Manager Eckles</u>	<u>X</u>			
<u>Manager Johnson</u>	<u>X</u>			
<u>Manager LeRoux</u>	<u>X</u>			
<u>Manager Wirth</u>	<u>X</u>			
<u>Motion carried 4/0.</u>				

32
33 Respectfully Submitted by
34 Carmen Simonet, Recorder and Charles LeRoux, Recording Secretary
35