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Minutes of the Regular Meeting of the Brown’s Creek Watershed District Board of Managers, Wednesday, June 14, 2017 at 6:30 PM

Family Means, 1875 Northwestern Avenue south  
Stillwater, MN 55082

ROLL CALL

Managers Present:	Others Present:
Sharon Schwarze, Vice President	Karen Kill, Administrator
Connie Taillon, Treasurer	Carmen Simonet, Recorder
Gerald Johnson, Secretary	Michael Welch, Smith Partners, BCWD counsel
Anne Maule Miller, Vice President	Camilla Correll, EOR, BCWD engineer
	Kevin Biehn, EOR, BCWD engineer
Managers Absent:	Paula Kalinosky, EOR, BCWD engineer
Craig Leiser, President	Tim Curran, Stillwater resident
	Dave Morgen, Stillwater resident
	Mitchell Otterson, Stillwater resident
	Kathy Hemen, Stillwater resident
	Neil Hemen, Stillwater resident

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**1. Call Regular Meeting to Order**

Manager Schwarze called the Regular Meeting to order at 6:31 PM.

**2. Approve Regular Meeting Agenda and Discussion Agenda**

Michael Welch, Smith Partners added “8c) Governance Manual Summary” to the agenda under old business.

**Manager Johnson moved, seconded by Manager Maule Miller, to approve the Regular Meeting agenda and discussion agenda as amended. Motion carried, vote 4/0.**

**3. Public Comments**

There were no public comments.

**4. Treasurer’s Report**

**a) Review Authorized Funds Spreadsheet**

Administrator Kill presented the authorized funds spreadsheet.

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

**b) Long Lake Raingardens – Pay Request #3 – Board Action**

**Manager Taillon moved, seconded by Manager Johnson, to authorize payment #3 to All Weather Services in the amount of \$7,319.75 from budget 929-0000 Long Lake Plan Implementation.**

	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, vote 4/0.**

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

**Manager Taillon moved, seconded by Manager Schwarze, to approve payment of bills as presented in the amount of \$87,166.09.**

	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, vote 4/0.**

Manager Taillon reported a total balance of \$451,812.63 after payables.

**5. Consent Agenda**

**Manager Johnson moved, seconded by Manager Maule Miller, to adopt the consent agenda.**

- **Approve minutes from May 10, 2017 Regular Meeting as presented.**
- **Accept the permit fee statement as presented**

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

**6. Permits**

**a) BCWD Permit 17-07 Curran Culvert Installation – Board Action**

Paula Kalinosky, EOR reported on the permit application for the Curran residence. The review was conducted for grading and drainage alteration associated with a proposed culvert on the applicant’s property. The culvert will function as the primary outlet of an existing wetland draining to the applicant’s property. EOR recommends approval of the permit with conditions.

1 Mr. Curran asked for clarification on the fees. Ms. Kill explained fees incurred by  
2 BCWD on this project are paid from the permit deposit and any extra is returned  
3 to the applicant. At this time, the applicant needs to deposit a total of \$1,800  
4 creating a \$1,500 balance. The surety is \$5,000 and is returned following approval  
5 of the asbuilt by the district engineer and final stabilization.  
6

7 Mr. Curran asked BCWD to consider waiving the surety, noting it seems  
8 excessive for the size of the project. Administrator Kill said the surety is held to  
9 protect the taxpayers. Michael Welch, Smith Partners reported BCWD policy has  
10 three options when addressing the surety: waive it, reduce the amount, or require  
11 the amount recommended by the BCWD policy. The managers discussed the  
12 options and felt strongly they should proceed with the recommended amount.  
13

14 Mr. Curran is planning to do the work later in the year when conditions are right  
15 for turf establishment. Camilla Correll, EOR said the costs for the surety could be  
16 more accurately determined for this project and brought to the next meeting. Mr.  
17 Curran noted he does not want to delay approval of the permit or be charged  
18 additional fees to review the surety and said that he will go ahead and pay the  
19 recommended surety. He also asked for a copy of the required inspections and the  
20 administrator said she will send that to him.

21 **Manager Maule Miller moved, seconded by Manager Johnson, to approve**  
22 **permit application 17-07 Curran Residence Drainage Pipe Installation, with**  
23 **conditions listed in the engineers report dated June 9, 2017 except that**  
24 **condition #3 to submit an as-built survey was changed to a stipulation of the**  
25 **permit and included an additional condition to return the surety upon**  
26 **approval of the asbuilt by district engineer. Motion carried, vote 4/0.**  
27

## 28 7. Projects

### 29 a) 110th Street Management Plan Discussion

30 Administrator Kill reported BCWD has had meetings with the neighbors and a  
31 public input meeting. Tonight EOR and staff are seeking input from the managers  
32 to guide the development of the management plan.  
33

34 Kevin Biehn, EOR presented the results from a survey that had 23 responses. The  
35 survey questions were consistent with the small group questions at the public  
36 meeting. The survey was distributed at the public meeting and also provided  
37 online. There were a variety of questions related to site use as well as a place to  
38 write-in other responses. The survey results showed strong support for the  
39 purchase of the land for conservation and resource protection.  
40

41 The managers discussed in detail a series of discussion points presented by Mr.  
42 Biehn to help define the immediate goals and future programming of the site.  
43 EOR will use the information to guide the development of the management plan.  
44 A draft will be brought back to the Board at the July regular board meeting.  
45

1 The managers asked for an update on the natural resource plan and the  
2 administrator noted the current draft plan is on the BCWD website.

3  
4 **b) Diversion Drainage Headcut – Board Action**

5 Kevin Biehn, EOR reported BCWD has held multiple meetings with the adjacent  
6 landowners to discuss the problems associated with the headcut and solutions to  
7 address the instability. BCWD supports a solution that includes both constructing  
8 rock grade control structures and tree thinning to help establish vegetative  
9 groundcover to prevent erosion. However, not all of the neighbors support the tree  
10 thinning option and for that reason, EOR recommends moving forward with the  
11 rock grade control structures and to revisit tree thinning at a later date with the  
12 landowners.

13 **Manager Taillon moved, seconded by Manager Maule Mille, to schedule a**  
14 **public hearing to order the diversion drainage headcut repair project at the**  
15 **July 12, 2017 regular meeting. Motion carried, vote 4/0.**

16  
17 **c) St. Croix River Association Grant – Board Action**

18 Administrator Kill gave an update on the status of the Lake St. Croix Watershed  
19 TMDL implementation project and recommends returning the unused portion of  
20 the grant funding.

21  
22 In 2016 BCWD was awarded a \$50,000 matching grant to design and construct  
23 best management practices (BMPs) to reduce phosphorous loads originating in  
24 Brown's Creek watershed, from entering the St. Croix River. Five locations were  
25 identified for potential BMPs but following further evaluation it was determined  
26 the locations would not provide a significant reduction of phosphorus from  
27 entering the St. Croix. Other locations were looked at including the DeWolf  
28 property but the sites were too disconnected from the St. Croix with wetlands  
29 between absorbing the nutrients.

30  
31 One project that fits the goal of the grant is the McKusick Road stormwater  
32 retrofit. It has reduced total phosphorus load to the St. Croix via Brown's Creek  
33 by 8 lbs. per year. The project cost was approximately \$20,000.

34  
35 The period of time to use the funds runs through June 2019 but EOR and staff feel  
36 they have done an exhaustive search for potential locations and feel returning the  
37 unused portion will allow another group to make use of the federal funds before  
38 they expire.

39 **Manager Taillon moved, seconded by Manager Johnson, to authorize the**  
40 **administrator to amend the St. Croix River Association grant agreement to**  
41 **reflect the actual amount used on the McKusick Road stormwater retrofit**  
42 **project. Motion carried, vote 4/0.**

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44 **d) Marylane Drainage Public Engagement Scope – Board Action**

45 Administrator Kill presented a scope of services for EOR to conduct a public  
46 engagement process for the McKusick Lake Marylane Drainage project. EOR has

1 evaluated the drainage easement between Marylane Avenue North and Macey  
2 Way and has discussed solutions to mitigate the flooding issues with Shawn  
3 Sanders of the City of Stillwater and Ms. Kill. The scope of work includes  
4 preparing presentation materials and attending two meetings to share the findings  
5 of the drainage evaluation and the mitigation strategy with the neighborhood  
6 residents on June 15, 2017 and the City Council on July 11, 2017. Administrator  
7 Kill asked the managers availability to attend the City Council meeting noting if  
8 they want to make it an official joint meeting, at least three managers need to  
9 attend.

10 **Manager Taillon moved, seconded by Manager Maule Miller, to move**  
11 **\$1,776.10 from account 300-4950 (Projects with potential alternate funding)**  
12 **to account 932-0005 (McKusick Lake - Marylane Drainage), to approve**  
13 **EOR's scope of services not to exceed \$1,776.10, and to notice the joint**  
14 **meeting on July 11, 2017 at 4:30 pm. Motion carried, vote 4/0.**  
15

16 Kathy and Neil Hemen asked who will receive the public meeting notice.  
17 Administrator Kill said it goes out to the neighbors impacted by the flooding.  
18 Manager Schwarze asked if they had any additional comments or questions. Ms.  
19 Hemen replied they are disappointed that the developer of the Rutherford Station  
20 is not held responsible for the cost of the flood mitigation that is needed as a result  
21 of their project. Administrator Kill explained to the managers the development  
22 went in under earlier rules that did not take this issue into account.  
23

24 **e) Neal Ave Raingardens – Board Action**

25 Administrator Kill gave an update on the Neal Avenue raingarden project. BCWD  
26 installed nine raingardens in the fall of 2015 and one has not functioned as  
27 expected resulting in standing water and dead plants. Further investigation has led  
28 the Washington Conservation District in consultation with BCWD and EOR to  
29 determine the raingarden should be removed and the site restored to conditions  
30 agreed to by the homeowner.

31  
32 The administrator will work with BWSR to determine any consequences with the  
33 grant funding used on the project by eliminating one of the gardens.  
34

35 **Manager Taillon moved, seconded by Manager Schwarze, to authorize the**  
36 **administrator to amend the agreement with All Weather Services not to**  
37 **exceed \$2,500 from account 948-0000 (CIP Maintenance) for permanent**  
38 **closure of the raingarden and restoration to the conditions agreed to by the**  
39 **homeowners, and to direct grant consequences back to the board. Motion**  
40 **carried, vote 4/0.**  
41

42 **8. Old Business**

43 **a) Buffer Law Updates**

44 Legal counsel reported on a memo from the Minnesota Board of Water & Soil  
45 Resources regarding the buffer law election of jurisdiction and the availability now  
46 for riparian aid. BCWD discussed the question in February and the cost of

1 enforcement was not a key factor in the decision not to assume jurisdiction. The  
2 managers agreed there is no new action.

3  
4 **b) Budget/Rules Workshop (new date?)**

5 The managers rescheduled the budget and rules workshop, the new date is July 25,  
6 2017 at 5:30pm.

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8 **c) Governance Manual Summary**

9 Michael Welch, Smith Partners distributed updates to the governance manual: cover  
10 page, table of contents, and introduction, for the managers to review and approve.

11 **Manager Taillon moved, seconded by Manager Schwarze to approve**  
12 **Governance Manual Summary as presented. Motion carried, vote 4/0.**

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14 **9. Discussion Agenda – No Action Required.**

15 **a) Administrator Updates**

16 Administrator Kill reported on current BCWD activities and noted she will be taking  
17 vacation time in June.

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19 **b) Communications & Manager Reports**

20 There were no comments.

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22 **c) July 2017 BCWD Board Agenda**

23 No items were suggested.

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25 **10. Adjournment**

26 **Manager Johnson moved, seconded by Manager Maule Miller, to adjourn the**  
27 **Regular Meeting at 9:52 PM. Motion carried, vote 4/0.**

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29 Respectfully Submitted by

30 Carmen Simonet, Recorder and Gerald Johnson, Recording Secretary

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