



**MINUTES OF THE SPECIAL MEETING OF THE BOARD OF MANAGERS
Tuesday, June 25, 2019 at 6:30 PM**

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

ROLL CALL

Managers Present:	Others Present:
Craig Leiser, President	Karen Kill, Administrator
Sharon Schwarze, Vice-President	Camilla Correll, EOR, BCWD engineer
Gerald Johnson, Treasurer	Michael Welch, Smith Partners, BCWD legal
Anne Maule Miller, Secretary	Cameron Blake, BCWD staff
Klayton Eckles, 2 nd Vice-President	Emily Johnson, EOR
	Cecilio Olivier, EOR
	Shawn Sanders, City of Stillwater
	John Hanson, Barr Engineering
	Paul Richtman, BCWD CAC & Resident
	Nathan Arnold, Washington County
	Maureen Hoffman, Washington County
	Amanda Johnson, Summit Management LLC
	Mark Lambert, Summit Management LLC

1. Call Special Meeting to Order

President Leiser called the Special Meeting to order at 6:30 PM.

2. Approve Special Meeting Agenda

Manager Johnson, seconded by Manager Maule Miller, moved to approve the special meeting agenda as presented. Motion Carried 5/0.

3. Rule Revision

**a. Metro Watershed District and Watershed Management Organization
Stormwater Rules Comparison**

Administrator Kill presented a stormwater rule comparison. The Managers discussed the difference between pre-settlement, pre-development, and existing conditions.

Managers:

Craig Leiser, President • Sharon Schwarze, Vice-President • Klayton Eckles, 2nd Vice-President
• Anne Maule Miller, Secretary • Gerald Johnson, Treasurer

Pre-development was not consistently defined by different watershed districts and municipalities. This was determined to be a potential topic for future consideration.

b. Minimal Impact Design Standards (MIDS) Evaluation Results

Camilla Correll, EOR, presented on the Minimal Impact Design Standards (MIDS) evaluation in the Long Lake and Diversion Drainage areas. The goal of the evaluation was to determine if MIDS would provide comparable water resource protection to the BCWD 2018 rules. To determine just how much and the approximate locations of potential future development/redevelopment, BCWD staff met with the staff from Stillwater, Oak Park Heights, MN DOT and Washington County to anticipate future development. Approximately 11% of the Long Lake drainage and 13% of the Diversion Drainage is predicted to develop or redevelop in the next 10 years. These drainage areas have two primary site constraints to stormwater management. Much of these drainage areas are in the Drinking Water Supply Management Area (DWSMA), currently restricting the potential to infiltrate in the Emergency Response Areas in Stillwater and all of the DWSMA in Oak Park Heights. Much of the drainage area is also subject to regional volume control agreements such as the Trout Stream Mitigation Project (TSMP) agreement and the Kern Center Agreement. These variations on the stormwater management rules adds to the complexity of applying them. The results showed that MIDS provided more volume control than the BCWD rules in both drainage areas due to the site constraints. MIDS provided more water quality protection than the BCWD rules at the Diversion Drainage, but slightly less in the Long Lake drainage. However, the water quality difference (8 pounds total phosphorus or 4%) may not be achieved by the 2018 BCWD rules if variances are granted due to the known site restrictions on infiltration in the DWSMA.

John Hanson, Barr Engineering, was invited to discuss the history of MIDS and the process to develop the state standard for volume control. The goal was to mimic natural hydrology using native soils in order to both standardize rules, but also to protect resources. The standard was developed through a collaboration of various interests, meeting every Friday for three hours for three years. In the process of developing MIDS, the group investigated several approaches including a match approach similar to the BCWD rules. A measurement approach was chosen and 1.1 inches was an averaged standard based on soils, development and hydrology across the state. A MIDS calculator, design standards, and ordinance package were developed for communities to adopt.

Manager Eckles agreed that although the process to develop MIDS was long and difficult, the result was a standard that the parties agreed that it met the needs of the resources. He stated that 1.1” was chosen to balance the financial burden with resource protection. Because these stormwater systems are passive, larger storms need much larger area for treatment and would sit empty most of the time. He stated that there was a diminishing return after 1.1” volume control is applied.

Mr. Hanson stated that in the MIDS development process, the trigger was made consistent with the 1-acre permit threshold in the state construction stormwater permit. He stated that for special resources or specific water quality improvement needs in a TMDL, the MIDS development process allowed for a local entity to require a higher standard, but need to document why it is needed.

Mr. Hanson stated that the 1.1” was determined through a long duration simulation model, which would capture a current snapshot of existing changes in climate. This does not predict or treat predicted future climate change.

Next steps are to consider additional policy questions such as permit triggers (disturbance or impervious, 1-acre/10,000 square feet/6,000 square feet), rate control (pre-settlement vs pre-development vs existing), and impacts of the wetland bounce and inundation requirements.

Manager Maule Miller asked would the impact of pre-settlement vs. pre-development for rate control would be in this drainage area. Shawn Sanders and Dan Parks interpret pre-development to mean what the site was just prior to development. Ms. Correll stated the definition of pre-development in the existing rules is the site condition at the time prior to creation of impervious. Cecilio Olivier, EOR, suggested adding clarity by defining pre-development with curve numbers. Mr. Olivier added that in the drainage areas to Long Lake and the Diversion Drainage that existing conditions may be sufficient.

Manager Maule Miller asked whether the city of Stillwater would be willing to dissolve the TSMP agreement and apply MIDS in the Diversion Drainage. Shawn Sanders responded that he thought the city of Stillwater would be willing.

Manager Eckles expressed concern that if the rules apply too restrictively on redevelopment there may be unintended consequences, such as a parking lot in need of full reconstruction may only be repaired with a mill and overlay. He has also seen unreliable underground treatment in redevelopment projects. He would like the Board to be cautious and allow more flexibility with redevelopment so we end up with BMPs that work long term. Also he would also like to consider why not apply MIDS to the entire watershed. Third, he suggested a literature search to consider the issue of rising concern with chloride contamination in drinking water. Further discussion by the Board regarding emerging chloride issues and the possible inclusion of this risk assessment being a part of a higher level engineering review for infiltration within the DWSMA.

President Leiser expressed that the BCWD must do a rule revision in the Diversion Drainage area based on both the concerns expressed regarding the 2018 BCWD rules and the results that MIDS provides comparable resource protection in that area. One set of rules would be simpler to apply, but the trout stream needs to be protected.

Ms. Correll reminded the Board that they did an evaluation of the 1.1” volume standard for the entire watershed and concluded it was not sufficient for Brown’s Creek. Mr. Olivier added that the study only looked at 1.1.” If a measurement approach is simpler to apply, an equivalent of the pre-settlement match could be calculated for the Brown’s Creek drainage area.

Mr. Parks requested the Board engage stakeholders again to allow for input prior to drafting new rules. He offered the Board consider the buffer and steep slope rules as well. The Board agreed they would engage stakeholders, engaging the cities of Stillwater and Oak Park Heights first.

Ms. Correll asked how the Valley Branch Watershed District applies MIDS to a trout stream. Mr. Hanson, who also acts as the VBWD engineer, stated that they require 1.1” volume control but the practice must drawdown within 24 hours rather than the typical 48 hour drawdown time. The drainage area to the VBWD trout stream is very sandy and the reduced drawdown is not difficult. This may not be the case in proximity to Brown’s Creek.

The Board discussed general timelines and agreed that they would like to see rule changes by the end of 2019. The Board directed staff to bring a timeline for consideration at the regular July Board meeting. Mr. Welch stated that the statutory constraints on rule making are minimal and that BCWD has always exceeded them in the past. The timeline will need a 45-day draft rule review. Mr. Welch recommend that, although the Board could revise the rules in pieces, to do one rule revision to eliminate the complexities of permits coming in under varying rules.

Manager Schwarze expressed concern with the additional 8 pounds of nutrients to Long Lake, impaired for excess nutrients, if the rules are changed to MIDS.

4. Adjournment

Manager Johnson, seconded by Manager Eckles, moved to adjourn at 8:44 PM. Motion carried 5/0.

Respectfully Submitted by
Karen Kill, Administrator