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2 Approved Minutes of the Regular Meeting of the Brown's Creek Watershed District Board of  
3 Managers, Wednesday, July 8, 2020 at 6:30 PM  
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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:
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
Klayton Eckles, 1 <sup>st</sup> Vice President	Camilla Correll, EOR, BCWD engineer
Charles LeRoux, Secretary	Cameron Blake, BCWD staff
	Paul Fritton, EOR, BCWD engineer
	Ryan Fleming, EOR, BCWD engineer
	Paula Kalinosky, EOR, BCWD engineer
	Brett Emmons, EOR, BCWD engineer
	Cecilio Olivier, EOR, BCWD engineer
	Stu Grubb, EOR, BCWD engineer
	Aaron Gwinnup, EOR, BCWD engineer
	Nathan Arnold, Washington County Public Works
	Kevin Schaekel
	Kevin Peterson
	Lindsey Bukowski, Resident
	Richard Trent, Resident
	Linda Monn, Resident

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12 **1) Call Regular Meeting to Order @ 6:30PM**  
13 President Leiser called the Regular Meeting to order at 6:32PM.  
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- 2) **Approve Regular Meeting Agenda and Discussion Agenda**  
Manager Johnson moved, seconded by Manager Schwarze, to approve the Regular Meeting agenda and discussion agenda as presented.

	Yea	Nay	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>			

Motion carried 5/0.

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

- 4) **Consent Agenda**  
Manager Eckles moved, seconded by Manager LeRoux, to approve the consent agenda:

- Approve minutes from June 10, 2020 Regular Meeting as presented.
- Accept the permit fee statement as presented.

	Yea	Nay	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>			

Motion carried 5/0.

- 5) **Treasurer's Report**
  - a) **Review Authorized Funds Spreadsheet**  
 Administrator Kill presented the authorized funds spreadsheet.  
Manager Johnson moved, seconded by Manager Schwarze, to approve the 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 Leiser</u>	<u>X</u>			
<u>Manager LeRoux</u>	<u>X</u>			
<u>Manager Schwarze</u>	<u>X</u>			

Motion carried 5/0.

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

3 **Manager Johnson moved, seconded by Manager LeRoux, to approve payment of**  
4 **bills as presented in the amount of \$101,871.58.**

	<u>Yea</u>	<u>Nay</u>	<u>Abstain</u>	<u>Absent</u>
5 <u>Manager Eckles</u>	<u>X</u>			
6 <u>Manager Johnson</u>	<u>X</u>			
7 <u>Manager Leiser</u>	<u>X</u>			
8 <u>Manager LeRoux</u>	<u>X</u>			
9 <u>Manager Schwarze</u>	<u>X</u>			
10 <u>Motion carried 5/0.</u>				

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13 **6) Permits**

14 **a) BCWD Permit 20-01 - Hawkins Residence – Board Action**

15 Ryan Fleming, EOR reported on the permit review for a proposed single family  
16 residential construction project located on 75<sup>th</sup> Street in the city of Grant. It is a 28  
17 acre parcel, contains ten wetlands and is located within a subwatershed that is  
18 tributary to a landlocked basin. Five of the wetlands will receive runoff from the  
19 proposed development. Stormwater runoff will be managed by three raingardens. The  
20 District engineer recommends approval of the permit with conditions.

21  
22 President Leiser asked the engineer about the proposed widening of the driveway and  
23 the rules on filling in wetlands. Mr. Fleming noted the applicant is not proposing to  
24 fill in any wetlands, they are proposing to fill a portion of the wetland floodplain. The  
25 applicant has included a mitigation plan and that has been reviewed under the  
26 floodplain and drainage alteration rule.

27  
28 Manager Eckles reported he has no issues with the proposal but raised concerns over  
29 the costs added to construction of a single family home for this permit review and  
30 questioned whether the level of scrutiny is worth the cost.

31  
32 Administrator Kill noted this issue has been brought up by some of our rural  
33 communities where the need for a long driveway can result in triggering the rules.  
34 Any site with 10,000 square feet or more impervious surface triggers the stormwater  
35 rules. However, this is not a typical single family home construction. The project is  
36 adding 0.6 acres of impervious surface in an area where flooding is already an issue  
37 downstream. The project disturbs 2.7 acres. President Leiser acknowledged further  
38 discussion is needed regarding potential rule revisions and applicability. He directed  
39 staff to begin by preparing questions on the issue and to contact other watersheds and  
40 the rural communities to get additional feedback.  
41

**Manager Eckles moved, seconded by Manager Schwarze, to approve permit 20-01 Hawkins Residence with conditions specified in the engineer’s report.**

	<b>Yea</b>	<b>Nay</b>	<b>Abstain</b>	<b>Absent</b>
<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>			

**Motion carried 5/0.**

b) **BCWD Permit 20-06 - Indian Hills Golf Club Permit Amendment – Board Action**

Administrator Kill reported the erosion control permit for Indian Hills Golf Club was issued in April 2020. Paul Fritton, reported the amendment is for a change from woodchip to paved golf cart paths. Manager Schwarze reported at a public hearing she attended at the city of Grant there was a large amount of support for this project because it will help alleviate flooding in the Sunnybrook Lake area.

**Manager Schwarze moved, seconded by Manager Eckles, to approve the amendment to permit 20-06 Indian Hills Golf Club Expansion with conditions specified in the engineer’s report; all provisions of the prior approval not specifically altered by the revised terms remain in place, and to authorize the administrator to approve the maintenance declaration, revised as necessary, prior to recordation.**

	<b>Yea</b>	<b>Nay</b>	<b>Abstain</b>	<b>Absent</b>
<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>			

**Motion carried 5/0.**

c) **BCWD Permit 17-14 – Parkwood Lane Townhomes - Financial Assurance Reduction – Board Action**

Ryan Fleming, EOR reported on a request for financial assurance reduction for the Parkwood Townhomes project. Manager Schwarze asked the administrator how the payment occurs. The financial assurance is held in a line of credit and the funds are released by a letter from BCWD to the financial institution holding the funds.

**Manager Johnson moved, seconded by Manager LeRoux, to authorize reduction in the financial assurance in the amount of \$47,470, resulting in a**

**financial assurance held in the amount of \$30,920 for permit 17-14 Parkwood Lane Townhomes.**

	<b>Yea</b>	<b>Nay</b>	<b>Abstain</b>	<b>Absent</b>
<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 5/0.</u></b>				

7) **Projects**

a) **CSAH 15/Hwy 36 Interchange Regional Stormwater Treatment – Agreement Update**

Administrator Kill reported Washington County has agreed to construct a wet well on the Applewood Hills golf course property, and they are nearing 90% completion on construction drawings for reconstruction of the Manning and Highway 36 interchange.

Michael Welch, Smith Partners gave an update on the development of the project agreement with the golf course and noted that progress is being made but there are still a few issues to iron out. The golf course wants to see more developed drawings before making final decisions. BCWD will have an easement over the area of the golf course where the water reuse system is in place. Discussion is ongoing on issues including whether BCWD will need to be given prior notice of sale of the property, whether or not the golf course has exclusive rights to the system and the water, and details of the operation and maintenance agreement. Mr. Welch asked for the managers’ input.

Manager LeRoux asked for more detail on who the other potential water users would be. Mr. Welch noted the golf course will be the only user of the system constructed on its property, but other potential future nearby developments may wish to access the runoff stored in the highway basins. Administrator Kill added that other developments considering future water reuse will have their own water source.

Mr. Welch noted the agreement could be structured so that the golf course is the only user of the water and if it needs to change we could come back at a later time and ask for an amendment to the agreement. President Leiser asked whether we could have a situation where the ponds can’t be drawn down fast enough due to changing weather conditions. Brett Emmons, EOR responded if that situation happened, it is a pump system and the water can be moved around as needed. Manager Eckles stressed maintaining flexibility in the agreement to allow other users, if the opportunity arises.

Nathan Arnold, Washington County Public Works gave an update on their schedule noting approval of the BCWD-Applewood agreement in August works with their schedule. President Leiser noted he is pleased with the cooperation of all the parties

1 involved and directed legal counsel to proceed with the final draft agreement and to  
2 bring it back in August for approval.

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4 **b) Oak Glen Golf Course Reuse – Design Update**

5 Administrator Kill reported the Oak Glen Golf Course reuse project is at 60% design  
6 completion. Brett Emmons, EOR noted it is a grant funded project, regional options  
7 were looked at and it is now being designed as a local project. Paula Kalinosky,  
8 EOR, gave an overview of the project and timeline for remaining work. The reuse  
9 system will pump water from the Lake McKusick wetland. Goals include decreasing  
10 groundwater pumping, and reducing thermal impacts and phosphorus loading on  
11 Brown’s Creek. The design concept, still in the modeling stage, is to let the wetland  
12 bounce up to one foot and then draw it down for reuse. The pumping station will be  
13 located near the parking lots south of McKusick Road and the water will be  
14 delivered to the golf course by a pipe under the road. The pipe will be installed using  
15 directional drilling to minimize disturbance. Additional improvements under review  
16 include replacing the outlet control structure at the north end of the Lake McKusick  
17 wetland to reduce frequency of flooding on McKusick Road and on the golf course.

18  
19 Next steps include meeting again with the golf course to discuss terms of an  
20 agreement for the project, maintenance, final design specifics, permit approvals. The  
21 project will be let for bids in the fall, with construction fall 2020 through spring  
22 2021. President Leiser noted it’s a superb project demonstrating water reuse and  
23 reducing phosphorus to the St. Croix River and asked the managers if they had any  
24 questions.

25  
26 Manager Eckles asked how the project may reduce the flooding on the golf course  
27 and why the design allows for increased bounce in the wetland. Paula Kalinosky said  
28 they are looking at whether replacement of the outlet control structure will give them  
29 better pipe slope to speed removal of water from the area and reduce localized  
30 flooding. Brett Emmons added that the current structure collects a lot of debris and  
31 by cleaning out the area, water will flow over the outlet and move out more quickly.  
32 Restructuring the outlet may provide better flow through the pipe and it increases the  
33 water level in the wetland. The amount of bounce is determined by the amount of  
34 water the golf course can use. The increased water level would be drawn down and  
35 stored. Manager Eckles suggested the priority should be an inspection to determine  
36 whether or not a new design for the pipe is needed. The administrator said she will  
37 discuss with the city and work with them on the issue.

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39 **c) Maintenance Contract – Board Action**

40 Ryan Fleming, EOR reported on recommendations for selecting a contractor to  
41 perform on-going maintenance of BCWD stormwater-management projects.

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43 Administrator Kill reported conversations are ongoing with Shawn Sanders of the  
44 city of Stillwater on taking over maintenance of the projects and it sounds very  
45 encouraging.

**Manager Schwarze moved, seconded by Manager Johnson, to award the contract to American Environmental and to authorize the administrator to enter a contract for not to exceed \$25,400, with authority to approve change orders up to an aggregate of 10%, with funds from account 948-0000 (CIP Maintenance) and to direct the administrator to continue discussions with the city and county partners regarding their ability to conduct the maintenance.**

	<u>Yea</u>	<u>Nay</u>	<u>Abstain</u>	<u>Absent</u>
<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>			
<b><u>Motion carried 5/0.</u></b>				

**8) Planning**

**a) Long Lake Flood Proofing Discussion**

Ryan Fleming, EOR gave an overview of flooding concerns in the Long Lake drainage area. Previous modeling from the city of Stillwater identified some properties with their lowest floor elevation (LFE) lower than the 100-year high water level (HWL), including 10 with LFE below the 100-year HWL, and at least 6 homes in the floodplain with unknown LFE. Road flooding has also occurred both upstream and downstream of Long Lake in a 100-year event. Manager Eckles noted that the floodplain elevation has changed since the 1970s and 80s when some of these homes were built. Potential next steps include providing technical assistance to homeowners, collecting field data to assess and inform flood proofing options, reviewing flood-proofing programs and grant options that other communities have offered.

The managers discussed what the role of BCWD should be with these next steps. The managers expressed interest in exploring the potential for a flood relief program in collaboration with the city. Manager Eckles gave an overview of the city of Woodbury program that was in place when they had flooding issues. It was a cost share program and most participants were seeking a cost effective solution. Ms. Kill said property owners have expressed interest in a program such as this and she will follow-up with the city of Woodbury to learn more about the program.

Manager Schwarze asked whether the city of Stillwater has been contacted to learn if they are considering any action. Ms. Kill noted she has been in contact with them and they are interested in a collaborative solution. Manager LeRoux asked how many homes are still in need of information on the lowest floor elevation. Ryan Fleming estimated that 12 to 24 homes need this data. Manager Eckles noted both the lowest floor elevation and the lowest opening need to be known to assess the risk and identify cost effective solutions. The lowest opening is where water can enter into a building.

1 President Leiser directed the administrator to add this to the agenda for the 2021  
 2 budget meetings.

3 **b) Kimbro/CR 12 Flooding Discussion and Survey Scope – Board Action**

4 Ryan Fleming, EOR reported on flooding at County Road 12 and Kimbro Avenue in  
 5 Grant. The surrounding wetlands have overflowed and closed both roads. One  
 6 adjacent homeowner has experienced a wet basement and has installed sand bags for  
 7 protection. The county plans to temporarily raise the road while a permanent  
 8 solution is found. The county is concerned that pumping just one lake may not be  
 9 enough because there are many lakes in this landlocked basin and the county has  
 10 limited resources. Stu Grubb, EOR reported groundwater elevations at three  
 11 locations indicate it is a contributor to the problem.

12  
 13 President Leiser asked if anyone at the meeting had questions or concerns. Richard  
 14 Trent and Linda Monn noted they are residents in the area. Richard Trent said that  
 15 up until now, it has not been clear who is responsible for helping with flood concerns  
 16 (city, watershed, county) and thanked the BCWD staff for their help. He would  
 17 appreciate BCWD expediting what is needed to resolve the flooding issues.  
 18 President Leiser noted this will be a priority at the special meeting.

19  
 20 Stu Grubb, EOR identified data to collect to better understand how these basins  
 21 interact with groundwater. Manager Eckles suggested that fixing the immediate  
 22 problem by pumping the water out should be the focus rather than more data  
 23 collection. Stu Grubb noted if groundwater is contributing to the problem, the  
 24 wetlands may continue filling up with more groundwater as water is pumped out.

25 **Manager Eckles moved, seconded by Manager LeRoux, to authorize**  
 26 **expenditure not to exceed \$5000 from account 923-0000 (H&H Model**  
 27 **Maintenance) for EOR to better understand the hydrologic outlet and**  
 28 **groundwater in the Kimbro vicinity.**

	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 5/0.</u></b>				

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 37 **c) Lower St. Croix One Watershed One Plan - Response to Comments – Board**  
 38 **Action**

39 **Manager Schwarze moved, seconded by Manager Johnson, to authorize**  
 40 **President Leiser and Manager Eckles as alternate, to continue representing**  
 41 **BCWD and to vote to approve the One Watershed One Plan watershed plan on**  
 42 **behalf of BCWD.**

	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>			



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

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 5                    Michael Welch, Smith Partners reported he has spent 15.1 hours (\$3,600) on helping  
 6                    develop the joint powers agreement and asked the managers how they want him to  
 7                    proceed. President Leiser directed counsel to be available in a minimal capacity, to  
 8                    answer specific questions, but not to do extensive review work.  
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10    **9) Discussion Agenda – No Action Required**

11                    **a) Administrator Updates**

12                    Administrator Kill reported BCWD staff are registered for an online salt training  
 13                    course in August.

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 15                    **b) Communications & Manager Reports**

16                    There were no reports.

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 18                    **c) August 2020 Regular BCWD Board Agenda (Note July 29,2020 Budget Meeting**  
 19                    **5pm)**

20                    Long Lake flooding and Kimbro/CR 12 flooding.  
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22    **10) Adjournment**

23                    **Manager Eckles moved, seconded by Manager Johnson, to adjourn the Regular**  
 24                    **Meeting at 9:55PM.**

	<u>Yea</u>	<u>Nay</u>	<u>Abstain</u>	<u>Absent</u>
<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 5/0.</u>				

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