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2 Approved Minutes of the Regular Meeting of the Brown’s Creek Watershed District Board of  
3 Managers, Wednesday July 10, 2019 at 6:30 PM

4  
5 Family Means, 1875 Northwestern Avenue south  
6 Stillwater, MN 55082

7  
8 **ROLL CALL**

Managers Present:	Others Present:
Craig Leiser, President	Karen Kill, Administrator
Sharon Schwarze, Vice President	Carmen Simonet, Recorder
Gerald Johnson, Treasurer	Michael Welch, Smith Partners, BCWD counsel
Anne Maule Miller, Secretary	Cameron Blake, BCWD staff
Klayton Eckles, 2 <sup>nd</sup> Vice President	Cecilio Olivier, EOR, BCWD engineer
	Pat Conrad, EOR
	Ryan Fleming, EOR
	Mike Majeski, EOR
	Emily Johnson, EOR
	Carly Johnson, City of Oak Park Heights
	Amanda Johnson, Summit Management
	Dan Fleming, Resident
	Celia Wirth, Resident

- 9  
10 **1) Call Regular Meeting to Order @ 6:30 PM**  
11 President Leiser called the Regular Meeting to order at 6:30PM.  
12  
13 **2) Approve Regular Meeting Agenda and Discussion Agenda**  
14 The following item was added to the agenda: 5c) Changing signers to Lake Area Bank  
15 Accounts – Board Action.  
16 **Manager Maule Miller moved, seconded by Manager Schwarze, to approve the**  
17 **Regular Meeting agenda and discussion agenda as amended. Motion carried, vote**  
18 **5/0.**  
19  
20 **3) Public Comments**  
21 Dan Fleming, a resident of Stillwater said he is concerned about a large amount of  
22 sediment at the inlet to McKusick Lake that continues to grow in size and is visible from  
23 his property. He came to the meeting to let the managers know about this issue. President

1 Leiser thanked Mr. Fleming for bringing it to their attention and said it relates to agenda  
2 item 6b) Tributary Erosion Repairs and it will be addressed at that time.

3  
4 **4) Consent Agenda**

5 Michael Welch, Smith Partners requested item 4e) Approve final payment to Peterson  
6 Companies for Iron Enhanced Sand Filter Maintenance, be pulled from the consent  
7 agenda and added just before the current items payable as 5 a1).

8 **Manager Eckles moved, seconded by Manager Johnson, to approve the consent**  
9 **agenda as amended:**

- 10 • Approve minutes from June 12, 2019 Regular Meeting as presented.
- 11 • Approve minutes from June 25, 2019 Special Meeting as presented.
- 12 • Approve minutes from July 2, 2019 Special Meeting as presented.
- 13 • Accept the permit fee statement as presented.

14 **Motion carried, vote 5/0.**

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16 **5) Treasurer’s Report**

17 **a) Review Authorized Funds Spreadsheet**

18 Administrator Kill presented the authorized funds spreadsheet.

19 **Manager Schwarze moved, seconded by Manager Johnson, to accept the**  
20 **authorized funds spreadsheet as presented. Motion carried, vote 5/0.**

21  
22 **a1) Approve final payment to Peterson Companies for Iron Enhanced Sand Filter**  
23 **Maintenance – Board Action**

24 Michael Welch reported on the final payment request to Peterson Companies for  
25 maintenance on the iron enhanced sand filter. The work is complete and the engineer  
26 recommends payment. Michael Welch has learned subcontractors were used and this  
27 requires verifying that the contractor has filed appropriate forms with the State of  
28 Minnesota, prior to payment.

29 **Manager Eckles moved, seconded by Manager Maule Miller, to authorize final**  
30 **payment of \$3,891.62 from account 948-0000 (CIP Maintenance) to Peterson**  
31 **Companies for Iron Enhanced Sand Filter maintenance contingent on proof of**  
32 **compliance with filing appropriate forms with the State of Minnesota for the use**  
33 **of subcontractors. Motion carried 5/0.**

34  
35 **b) Current Items Payable – Board Action**

36 **Manager Johnson moved, seconded by Manager Maule Miller, to approve**  
37 **payment of bills as presented in the amount of \$96,955.97 with the**  
38 **understanding that payment to Peterson Companies be held until the contractor**  
39 **is in compliance with State of Minnesota filing requirements.**

	<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 Maule Miller</u>	<u>X</u>			
<u>Manager Schwarze</u>	<u>X</u>			

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45 **Motion carried 5/0.**  
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Treasurer Johnson reported a total balance of \$1,731,131.82 after payables.

**Manager Schwarze moved, seconded by Manager Maule Miller, to accept the treasurer’s report. Motion carried 5/0.**

**5c) Changing signers to Lake Area Bank Accounts – Board Action**

**Manager Schwarze moved, seconded by Manager Johnson, to approve Resolution 19-04 Brown’s Creek Watershed District Board of Managers, Signers for Lake Area Bank Accounts.**

	<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 Maule Miller</u></b>	<b>X</b>			
<b><u>Manager Schwarze</u></b>	<b>X</b>			

**Motion carried 5/0.**

**6) Projects**

**a) Rule Revision**

**(1) Timeline and Special Meetings – Board Action**

Michael Welch, Smith Partners presented options for implementation of regulatory standards. Currently, BCWD implements its rules and the cities within the watershed have elected BCWD to do the permitting. Another option allowed under state law is for the cities to implement the rules. They would need to have standards in place to provide equivalent or greater water resource protection. The agreement could be structured so that BCWD can provide support such as doing reviews and/or inspections.

The main reason for considering having the cities do the stormwater permitting is that the engineer’s evaluation finds the Minimal Impact Design Standards (MIDS) will provide a similar level of protection as the BCWD rules in the portion of the watershed that drains to Long Lake and the Diversion Structure. Another point that strengthens this option is that both the cities of Oak Park Heights and Stillwater have already implemented MIDS and this would help to simplify the regulatory process.

Comments and discussion followed:

Manager Eckles asked what the concern is in still revising the BCWD rules in the diversion drainage to be consistent with MIDS. Mr. Welch would not recommend both changing the rule and entering into an agreement with the cities.

The Board agreed that they want to eliminate duplicity. Manager Eckles expressed concern that having BCWD involved in the review does not streamline the process it potentially complicates it, such as by having two engineers review the same document and disagreeing over the action to take.

1 President Leiser asked if Oak Park Heights would be interested working with  
2 BCWD to determine the best course of action for rule implementation. Carly  
3 Johnson, City of Oak Park Heights indicated the City Council is interested in  
4 working with BCWD to reduce duplication.  
5

6 President Leiser stated that he wants to achieve simplification, consistency, and  
7 credibility.  
8

9 Manager Schwarze asked for clarification on who is responsible for flooding in an  
10 area that has been permitted by the city. Michael Welch said the change being  
11 discussed is limited changing who hands out the permit. The responsibility will  
12 still be the landowner to comply with the permit. BCWD would still have the  
13 same authority to work on projects and on whatever else is built into the  
14 agreement, such as inspections.  
15

16 Manager Eckles questioned whether the BCWD's rules are more restrictive than  
17 they need to be for trout streams and suggested BCWD align its rules with the  
18 proposed cities handling the permitting.  
19

20 President Leiser expressed support in pursuing a cooperative approach with the  
21 cities of Stillwater and Oak Park Heights.  
22

23 **(2) Scope – Board Action**

24 **Manager Eckles moved, seconded by Manager Maule Miller, to direct the**  
25 **administrator and staff to meet over the next 6 weeks with City of Stillwater,**  
26 **City of Oak Park Heights, and nearby watershed districts, to discuss the**  
27 **agreement and permitting process, and to authorize legal counsel 5 hours of**  
28 **time to draft talking points, and to authorize expenditure not to exceed**  
29 **\$3,706 for engineering from account 909-0000 (Rules Review/Evaluation),**  
30 **and to transfer funds from account 300-4950 (Management Plan**  
31 **Implementation –miscellaneous). Motion carried, vote 5/0.**  
32

33 Administrator Kill presented a draft timeline of tasks and objectives for the rule  
34 revision process. She asked the managers to review it and reply with any  
35 comments or revisions.  
36

37 The managers scheduled a special meeting for July 31<sup>st</sup> Wednesday at 5pm for  
38 developing the 2020 budget and regulatory framework revision.  
39

40 Meeting Recess 7:58pm – 8:08pm  
41

42 **b) Tributary Erosion Repairs**

43 Mike Majeski, EOR, BCWD engineer reported on a field survey and assessment of  
44 the tributaries upstream of the diversion structure. A large number of headcuts were  
45 found in all three tributaries. Monitoring data collected at the diversion structure as  
46 well as the visible build-up of sediment in McKusick Lake, indicates a significant

1 amount of sediment is flowing through the tributaries. In addition, the erosion is  
2 deepening the channels which is preventing water from overtopping the stream banks  
3 and resulting in the adjacent wetlands drying up. The engineer recommends  
4 constructing weirs in the tributaries using fieldstone boulders. This will raise the level  
5 of water behind the boulders and allow flood water to flow over the top of the banks  
6 and into the wetlands.

7  
8 The managers discussed the costs and how to proceed with the tributary restoration  
9 work. Michael Welch, Smith Partners stated that it falls under a capital improvement  
10 project and will require a plan amendment. President Leiser directed the administrator  
11 to add to the July 31<sup>st</sup> special meeting agenda: plan amendment addressing capital  
12 improvement projects.

13  
14 The administrator noted the stream restoration work needed to protect the Settlers  
15 Glen iron enhanced sand filter falls under the maintenance budget and can be done  
16 now.

17 **Manager Schwarze moved, seconded by Manager Maule Miller, to authorize**  
18 **expenditure not to exceed \$8,576 from account 948-0000 (CIP Maintenance) to**  
19 **approve the headcut repair and channel obstruction removal at the Settles Glen**  
20 **IESF pump pond. Motion carried, vote 5/0.**

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22 **c) Bass Lake Management Plan Phase I Scope – Board Action**

23 Pat Conrad, EOR, BCWD engineer presented a scope of services to gather data and  
24 assess tasks for the Bass Lake East & West Management Plan.

25  
26 Manager Eckles asked how BCWD decides which lakes merit a lake management  
27 plan. Administrator Kill said the decision is guided by the watershed management  
28 plan. President Leiser acknowledged it would be good to reassess the process and  
29 directed the administrator to add a review of lakes being monitored to a future  
30 meeting agenda.

31 **Manager Maule Miller moved, seconded by Manager Johnson, to approve the**  
32 **scope of services for Phase I of the Bass Lake East & West Lake Management**  
33 **Plan and to authorize expenditure not to exceed \$1,928 from account 956-0000**  
34 **(Bass East & West Management Plan). Motion carried, vote 5/0.**

35  
36 **7) New Business**

37 **a) Schedule Joint BCWD Board and Oak Park Heights City Council Meeting**

38 Carly Johnson, City of Oak Park Heights council member proposed August 27 at 6pm  
39 and the managers accepted this as a workable date.

40  
41 **b) Schedule Budget and Rule Revision Workshop**

42 The managers scheduled a special meeting for July 31<sup>st</sup> Wednesday at 5pm for  
43 developing the 2020 budget, regulatory framework revision, and plan amendment.  
44  
45  
46

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

2 **a) Administrator Updates**

3 The administrator reported on pond flooding on July Avenue in the City of Hugo,  
4 south of 122<sup>nd</sup> St. North. Hugo is interested in watershed assistance on evaluating  
5 potential solutions to the localized flooding of the landlocked basin. President Leiser  
6 directed Cameron Blake, BCWD staff to contact the City of Hugo for basement  
7 elevation information on the nearby homes.  
8

9 **b) Communications & Manager Reports**

- 10 • Michael Welch, Smith Partners, made a correction to a statement he made at the  
11 June meeting. The State's new per diem rate goes into effect July 1, 2019 not  
12 August 1, 2019.  
13 • Manager Maule Miller reported on the MAWD summer tour she attended in the  
14 Red River Basin.  
15 • Manager Eckles is working on a water reuse project in the City of Hugo.  
16

17 **c) August 2019 Regular BCWD Board Agenda**

18 No additional items were suggested.  
19

20 **9) Adjournment**

21 **Manager Eckles moved, seconded by Manager Johnson, to adjourn the Regular**  
22 **Meeting at 9:31PM. Motion carried, vote 5/0.**  
23

24 Respectfully Submitted by

25 Carmen Simonet, Recorder and Anne Maule Miller, Recording Secretary  
26