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2 Approved Minutes of the Regular Meeting of the Brown’s Creek Watershed District Board of
3 Managers, Wednesday, July 14, 2021 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:
Klayton Eckles, President	Karen Kill, Administrator
Charles LeRoux, Secretary	Carmen Simonet, Recorder
Celia Wirth, Vice President	Michael Welch, Smith Partners, BCWD counsel
	Camilla Correll, EOR, BCWD engineer
Managers Absent:	Cameron Blake, BCWD staff
Gerald Johnson, Treasurer	Paul Fritton, EOR, BCWD engineer
	Kevin Biehn, EOR, BCWD engineer

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12 1) **Call Regular Meeting to Order @ 6:30PM**
13 President Eckles called the Regular Meeting to order at 6:30PM.
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15 2) **Approve Regular Meeting Agenda and Discussion Agenda**
16 **Manager LeRoux moved, seconded by Manager Eckles, to approve the Regular**
17 **Meeting agenda and discussion agenda as presented.**
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	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>			

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23 **Motion carried 3/0.**
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25 3) **Public Comments**
26 There were no public comments.
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28 4) **Consent Agenda**
29 The following items were pulled from the consent agenda for discussion: 4a) Approve
30 Board meeting minutes of the June 9, 2021; 4b) Approve Board meeting minutes of the

July 23, 2021 special meeting; 4d) Authorize president to execute the 2022-24 East Metro Water Resources education program agreement; and 4e) Approve Oak Glen reuse project pay request #2 to Northwest Asphalt.

Manager Wirth moved, seconded by Manager LeRoux, to approve the consent agenda as amended:

- **Accept the permit fee statement as presented.**

	Yea	Nav	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>			

Motion carried 3/0.

4a) Approve Board Meeting Minutes of the June 9, 2021 Regular Meeting

Manager Wirth noted a typo in the June 9th minutes. Under item 5a) Craig Leiser’s vote is marked as abstain and should be marked as absent.

4b) Approve Board Meeting Minutes of the July 23, 2021 Special Meeting

Manager Wirth noted in the July 23rd minutes, under item 2) manager Schwarze is incorrectly called out as having seconded the motion.

The managers discussed removing Craig Leiser as absent effective his resignation prior to the June regular meeting.

Manager Wirth moved, seconded by Manager Eckles, to approve the minutes of the June 9, 2021 regular meeting and the July 23, 2021 special meeting with the corrections noted by manager Wirth; and to remove Craig Leiser’s name from the meeting minutes following his resignation.

	Yea	Nav	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>			

Motion carried 3/0.

4d) Authorize President to execute the 2022-24 East Metro Water Resources Education Program Agreement

Administrator Kill gave a summary of the East Metro Water Resources Education Program. It is a shared program with other watershed districts and municipalities, which is now in its fifteenth year. The agreement is a 3-year contract beginning on January 1, 2022.

Manager Wirth moved, seconded by Manager LeRoux, to authorize the president to enter into an agreement on advice of counsel with Washington Conservation District for three years of EMWREP services at a cost not to exceed \$20,500 per year.

	Yea	Nav	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>				

- 4e) **Approve Oak Glen Reuse Project Pay Request #2 to Northwest Asphalt**
 Michael Welch, Smith Partners reported the pay request form for the Oak Glen Golf Course reuse project has an error in it.

Manager Wirth moved, seconded by Manager LeRoux, to authorize pay application #2 in the amount of \$70,708.68 and to correct the pay request form.

	Yea	Nav	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>				

5) **Treasurer's Report**

- a) **Review Authorized Funds Spreadsheet**

Administrator Kill presented the authorized funds spreadsheet.

Manager Wirth moved, seconded by Manager Eckles, to approve the authorized funds spreadsheet as presented.

	Yea	Nav	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>				

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

Manager Wirth moved, seconded by Manager LeRoux, to approve payment of bills as presented in the amount of \$177,403.11.

	Yea	Nav	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>				

- c) **Bank Signers – Board Action**

Karen Kill reported on the update to the signers for Lake Area Bank accounts.

Manager Wirth moved, seconded by Manager LeRoux, to adopt resolution 21-03 Brown's Creek Watershed District Board of Managers signers for Lake Area Bank accounts.

	Yea	Nav	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>				

6) **Projects**

a) **Brown’s Creek Restoration Contractor Selection – Board Action**

Karen Kill reported the Brown’s Creek restoration project is located within the Millbrook Homeowners Association and the adjacent city of Stillwater property. It includes planting and vegetation management for thermal benefits and 90% of the project is being funded by a grant with a 10% match. A grant extension will be needed to utilize bare root plants and extend the timeline into spring 2022 to reduce the project costs.

Kevin Biehn, EOR reported on the contractor selection process. The plans were sent out to eight contractors and five quotes were received. All were substantially over the project estimate of \$63,655. Minnesota Native Landscape (MNL) was the low quote at \$107,018. Alternate items were identified to reduce costs including using bare root plants and extending the deadline for invasive plant removal. MNL revised their quote the new sum is \$74,975.

The managers noted the significant cost savings using bare root plants and asked Kevin Biehn to elaborate on the differences between the use of bare root plants and the original plan. Mr. Biehn noted, the original design used large container plants which are more expensive to purchase and to transport. Bare root plants are dug in a dormant state and the soil is removed before storing or shipping. Bare root plants are also planted when dormant creating a short window of opportunity to use them in the spring. Bare root are typically younger plants and will be smaller in size than container grown plants. Either way, the plants have a warranty to replace plants that die. There is also a line item for browsing protection to protect the new trees from deer and other animals.

Manager LeRoux moved, seconded by Manager Wirth, to award the contract to MNL and to authorize not to exceed \$74,975 for the Brown’s Creek Enhancement – 2021 Millbrook HOA & city of Stillwater project account 947-0022 (Brown’s Creek - Buffer and Stream Restoration) contingent on receiving the necessary grant extension.

	Yea	Nav	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 7) **New Business**

2 a) **Meeting Location – Board Action**

3 Karen Kill reported on the Board’s meeting location now that the pandemic risk is
 4 reduced and identified issues to consider with this transition, including: whether to
 5 return to in-person meetings and rescind the declaration for electronic meetings only,
 6 whether to return to meeting at Family Means, and whether or not to provide a
 7 combination in person and online meeting. The managers asked about Family Means
 8 as a meeting space. It is available for community use with no charge, there is
 9 flexibility with hours, and they are setup for electronic online meetings.

10
 11 Michael Welch, Smith Partners reviewed legal considerations to guide decision
 12 making on returning to in person meetings. BCWD does not need to immediately act
 13 on the declaration, this can be handled by the president a week before returning to in
 14 person meetings. A hybrid in person and online interactive meeting, can be provided
 15 for public access but the managers are required to meet in person. The board can
 16 require masks and distancing if there is a safety concern.

17
 18 The Board discussed meeting in person and having a hybrid meeting. The managers
 19 agreed that the Zoom meetings are convenient. Karen Kill noted participation by the
 20 public has been much higher with electronic meeting access, compared to previous
 21 in person only meetings. President Eckles suggested BCWD have a trial run with a
 22 hybrid meeting. He also wants to be prepared so that it runs smoothly and does not
 23 want to have the first in person meeting with that added complexity.

24 **Manager LeRoux moved, seconded by Manager Wirth, to authorize the**
 25 **administrator to sign the waiver of liability for use of the Family Means space.**

	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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 33 b) **Set Budget Workshop Date(s) – Board Action**

34 The managers scheduled a budget workshop for August 11, 2021 and if needed, a
 35 second meeting Sept 1, 2021.

36 **Manager Eckles moved, seconded by Manager Wirth, to schedule a budget**
 37 **meeting at 5:00pm, August 11, 2021.**

	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>				

44
 45 In preparation for the upcoming budget workshop, Administrator Kill reviewed a
 46 spreadsheet of BCWD activities for discussion and prioritizing:

- The recommendations that came out of the small group sessions at the June planning meeting include activities in the existing plan and also new items not in the plan. Ms. Kill asked the managers to consider where BCWD should go from here, such as with marketing, messaging, and partnerships.
- The Board agreed updating BCWD's policy on permitting to create a simplified process for small, single-family projects should be a priority.
- The Board agreed developing a BCWD policy on flood mitigation is a priority.
- Ms. Kill suggested budgeting for a plan amendment process in 2022 that includes developing a framework to address the existing flooding locations.
- Camilla Correll noted BCWD produced a technical memo summarizing what other communities are doing to evaluate future flooding and impacts to residents.
- Manager Eckles suggested the next step should be educational and communication based rather than technical. Such as preparing a document on steps for the public to minimize flood damage.
- Ms. Kill asked whether the allocation of resources in the budget is right or whether it needs adjusting for 2022.

c) Watershed District Tour/Date

Cameron Blake reported on the annual BCWD community event September 18, 2021 from 10-1pm and asked the managers to consider participating and meeting the public, by taking a turn at the greeting table or other station. The Citizen Advisory Committee is organizing the event. There are typically 20 booths including DNR with a fish tank exhibit, a birding expert, and other groups demonstrating a healthy watershed with hands on activities. About a couple hundred people are expected to attend.

Karen Kill asked the Board if there was interest in a watershed district tour, the invitation would include the Citizen Advisory Committee, and county and community partners. The managers support the idea and Ms. Kill will send out a Doodle poll for possible dates.

8) Discussion Agenda – No Action Required

a) Updates

(1) Administrator

Karen Kill gave an update on current projects. The Applewood Hills stormwater reuse project is expected to go out for bid in August. The request for quotes, for the tributary stabilization project will be going out soon. The Oak Glen Golf Course stormwater reuse project is online and the contract will be closed out in August.

The Minnesota Association of Watershed Districts' summer meeting will be held online, July 22nd from 1-4pm.

Manager Eckles moved, seconded by Manager Wirth, to approve per diem for Managers attending the MAWD summer meeting, July 22, 2021 from account 200-4000 (Manager Per Diem and Expense).

	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>				

(2) Legal

Michael Welch reported there is a Metro MAWD meeting Tuesday August 20th at 7pm. Manager Wirth noted she plans to attend.

(3) Engineer

No additional reports.

(4) Managers

No additional reports.

b) August 2021 Regular BCWD Board Agenda

No items were suggested.

9) Adjournment

Manager Wirth moved, seconded by Manager LeRoux, to adjourn the Regular Meeting at 9:29PM.

	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>				

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