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2 APPROVED Minutes of the Regular Meeting of the Brown's Creek Watershed District Board of  
3 Managers, Wednesday, August 9, 2017 at 6:00 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
Connie Taillon, Treasurer	Michael Welch, Smith Partners, BCWD counsel
Gerald Johnson, Secretary	Camilla Correll, EOR, BCWD engineer
Anne Maule Miller, Vice President	Jared Fabian, EOR, BCWD engineer
	Kevin Biehn, EOR, BCWD engineer
	Ryan Fleming, EOR, BCWD engineer
	Dale and Gale Munkelwitz, Grant residents
	Ed Francis, Grant resident
	David Washburn, Streetcar Holdings
	Bob Appert, Streetcar Holdings
	Joe Radach, Carlson McCain
	Dan Larson, Streetcar Holdings
	Dan and Linda Powell, Grant residents
	Debbi Eddy, Grant resident

9  
10 **1) Call Regular Meeting to Order**  
11 President Leiser called the Regular Meeting to order at 6:05PM.

12  
13 **2) Approve Regular Meeting Agenda and Discussion Agenda**  
14 Education Events was added under 10 b) New business.  
15 **Manager Schwarze moved, seconded by Manager Johnson, to approve the Regular**  
16 **Meeting agenda and discussion agenda as amended. Motion carried, vote 5/0.**

17  
18 **3) 2018 Draft Budget –**  
19 **a) Discussion 6:00-6:30PM**  
20 Administrator Kill reviewed the proposed 2018 budget with the managers. The  
21 proposed total budget for 2018 is \$1,121,790, a proposed 30% decrease from 2017,  
22 including grants, fees and levy funding sources. The proposed tax levy is \$156,000

1 for the General Fund and \$851,490 for the Management Plan Project Fund for a total  
2 proposed levy of \$1,007,490, a proposed 3% increase from 2017.

3  
4 President Leiser noted an elevator speech on what BCWD does, would be useful  
5 when talking with people about BCWD. The administrator said the annual report is a  
6 good summary but she can also prepare a bullet list and will add it to the September  
7 agenda for discussion.  
8

9 **Manager Johnson moved, seconded by Manager Maule Miller, to accept the**  
10 **2018 draft budget as presented for public hearing. Motion carried, vote 5/0.**

11  
12 **b) Set Public Hearing date – Board Action**

13 **Manager Taillon moved, second by Manager Schwarze, to set the public**  
14 **hearing date for September 13, 2017 as part of the regular meeting. Motion**  
15 **carried, vote 5/0.**  
16

17 **4) Public Comments**

18 There were no public comments.  
19

20 **5) Treasurer’s Report**

21 **a) Review Authorized Funds Spreadsheet**

22 Administrator Kill presented the authorized funds spreadsheet.

23 **Manager Schwarze moved, seconded by Manager Johnson, to approve the**  
24 **authorized funds spreadsheet as presented. Motion carried, vote 5/0.**  
25

26 **b) McKusick Road Stormwater Retrofit Payment #1 – Board Action**

27 Administrator Kill reported the total for payment #1 is \$37,669.93. BCWD’s portion  
28 is \$17,669.93 and Washington County is contributing \$20,000.

29 **Manager Johnson moved, seconded by Manager Taillon, to authorize \$17,669.93**  
30 **for payment to Washington County Public Works Department for payment**  
31 **application #1.**

	<u>Yea</u>	<u>Nay</u>	<u>Abstain</u>	<u>Absent</u>
32 <b>Manager Johnson</b>	x			
33 <b>Manager Leiser</b>	x			
34 <b>Manager Maule Miller</b>	x			
35 <b>Manager Schwarze</b>	x			
36 <b>Manager Taillon</b>	x			
37 <b>Motion carried, vote 5/0.</b>				

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

2 **Manager Taillon moved, seconded by Manager Maule Miller, to approve**  
 3 **payment of bills as presented in the amount of \$114,625.42.**

	<u>Yea</u>	<u>Nay</u>	<u>Abstain</u>	<u>Absent</u>
4 <b>Manager Johnson</b>	x			
5 <b>Manager Leiser</b>	x			
6 <b>Manager Maule Miller</b>	x			
7 <b>Manager Schwarze</b>	x			
8 <b>Manager Taillon</b>	x			

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

10 Treasurer Taillon reported a total balance of \$732,243.19 after payables.

11  
 12  
 13  
 14 6) **Consent Agenda**

15 **Manager Schwarze moved, seconded by Manager Johnson, to adopt the consent**  
 16 **agenda.**

- 17 • **Approve minutes from July 11, 2017 Special Meeting as presented.**
- 18 • **Approve minutes from July 12, 2017 Regular Meeting as presented.**
- 19 • **Approve minutes from the July 25, 2017 Special Meetings as presented.**
- 20 • **Accept the permit fee statement as presented.**
- 21 • **Approve Stillwater Township Comment Letter as presented.**

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

23  
 24 7) **Permits**

25 a) **BCWD Permit 17-01 Farms of Grant – Board Action**

26 Ryan Fleming, EOR reported on a permit application for the Farms of Grant, a  
 27 residential development located in the southeast quadrant of Lake Elmo Avenue  
 28 and 75<sup>th</sup> Street North in the City of Grant. The developer, Streetcar Holdings,  
 29 plans to develop 317.3 acres into 31 residential lots on the southern portion and  
 30 preserve the northern portion for agriculture.

31  
 32 The site contains 15 wetlands scattered throughout and nine are landlocked. The  
 33 applicant received a Wetland Conservation Act approval from the City for filling  
 34 in one wetland. In general, stormwater from the site flows north and east,  
 35 discharging to the east at two locations, towards the West Branch Tributary of  
 36 Brown’s Creek. Twenty-two infiltration basins are proposed throughout the site.  
 37 The developer will build most of them along the roadway and five will be  
 38 constructed by home builders on individual lots. Grassed swales and ditches,  
 39 designed for pretreatment of runoff, are proposed through the agriculture land and  
 40 along the roadway. Construction of the homes will involve disturbance of about  
 41 82 acres.

42  
 43 In response to a question from Manager Taillon, Mr. Fleming stated that the  
 44 bounce analysis conducted by the engineer shows that the wetlands on the site  
 45 will not be effectively drained by the development; flow to the wetlands will be

1 maintained. In response to a question from Manager Maule Miller, Mr. Fleming  
2 noted that the wetlands are not groundwater dependent.  
3

4 Manager Taillon asked BCWD will be assured that the homes built by individual  
5 builders will be built according to approved plans, with associated stormwater  
6 management facilities that need then to be maintained. The administrator said a  
7 maintenance declaration will need to be recorded prior to permit issuance and the  
8 permit will need to be transferred to the individual builders.  
9

10 Residents who live near the project had questions:

- 11 • Ed Francis lives on Lake Elmo Avenue and asked what the lot size is and  
12 how much of it will be left in a natural state. David Washburn of Streetcar  
13 Holdings noted lots range from 5 to 7 acres and the majority of the lot is  
14 anticipated to be maintained as a natural landscape.
- 15 • Debby Eddy lives on Lake Elmo Avenue and asked about land use on the  
16 undeveloped portion of site. The engineer replied that it will remain in  
17 agriculture.
- 18 • Dale Munkelwitz lives on Manning Avenue where drainage from the site  
19 flows through his back lot and reported that every year a pond forms but it  
20 disappears quickly. He asked whether this development will result in less  
21 runoff, and he also asked how 31 wells and septic systems might impact  
22 groundwater. The engineer confirmed there will be less runoff from the  
23 development site than under current conditions. Manager Leiser noted  
24 wells and septic systems are not under the jurisdiction of the BCWD.  
25

26 Mr. Fleming described the developer's requests for variances to the wetland  
27 buffer requirements and went through the detailed analysis from the engineer's  
28 review memo. The BCWD engineer recommends approval of the permit with  
29 conditions and recommends consideration of the variances.  
30

31 Streetcar Holdings believes it will be 3 to 5 years for the project to be fully built  
32 out. Michael Welch pointed out the rules provide a permit term of one year and  
33 suggested the managers consider extending the term in light of the projected  
34 duration of the proposed work. Mr. Washburn requested approval for a five-year  
35 term. Ms. Kill noted that a permit may be renewed as long as it has not expired.  
36 The managers discussed the length of the permit term and agreed on three years  
37 was reasonable.  
38

39 **Manager Johnson moved, seconded by Manager Maule Miller, to approve**  
40 **permit application 17-01 Farms of Grant with requested variances with**  
41 **conditions and stipulations listed in the engineers report dated May 22, 2017**  
42 **for a term of 36 months, and to delegate to the administrator the authority to**  
43 **transfer the permit, in whole or part, to individual home builders, and to**  
44 **approve permit modifications as necessary for deviations from approved**  
45 **plans as long as BCWD rules continue to be met, with the discretion to bring**  
46 **a modification before the managers. Motion carried, vote 5/0.**

1  
2 Recess 7:39pm - 7:51pm  
3

4 **b) BCWD Permit 17-04 The Lakes at Stillwater– Phase 1 clarification**

5 Camilla Correll, EOR provided a clarification to the approved permit 17-04 Lakes  
6 at Stillwater. BCWD understood that phase 1 of the project includes clearing and  
7 grubbing, installation of temporary stormwater management practices, site  
8 grading, and construction of a 139-unit senior living building. Since the July 12,  
9 2017 Board meeting approval, the owner has clarified that phase one also includes  
10 the triplex unit. The conclusions regarding rule compliance by EOR are not  
11 affected and no change to the permit is needed.  
12  
13

14 **8) Projects**

15 **a) McKusick Road Stormwater Retrofit – Update and Response to Erosion**  
16 **Control Concerns**

17 Jared Fabian reported on a site visit to follow-up on concerns raised by a resident,  
18 that erosion control was not being met on the McKusick Road project. Mr. Fabian  
19 observed that when he visited after a particularly heavy rain, the erosion and  
20 sediment control measures were in serious need of maintenance. EOR contacted  
21 the primary contractor and corrective measures have been put into place. EOR has  
22 also increased the inspections to daily visits to ensure the erosion control  
23 measures are maintained.  
24

25 **b) 110th Street**

26 **(i) Management Plan – Board Action**

27 The managers reviewed with Kevin Biehn from EOR the draft plan and  
28 developed a list of items for EOR to address in the plan. In response to  
29 inquiry from the managers, the administrator reported that BCWD has  
30 not yet received word on the butterfly-habitat grant it applied for.  
31 Manager Maule Miller suggested that BCWD refrain from committing  
32 to establishing wildlife crossing under 110<sup>th</sup> St. Mr. Biehn agreed that  
33 the costs for possible wetland restoration on the property –  
34 approximately \$15,000 total – could be better itemized. Ms. Kill  
35 directed that specific costs be included in the management plan.

36 **Manager Maule Miller moved, seconded by Manager Johnson, to**  
37 **approve as presented and authorize the administrator to distribute**  
38 **the draft plan to Washington County. Motion carried, vote 5/0.**  
39

40 **(ii) Naming Discussion**

41 The managers discussed the suggestions for potential names and agreed  
42 on Brown’s Creek Conservation Area.  
43  
44  
45

1                   c) **Stillwater Country Club – Maintenance Declaration Amendment – Board**  
2                   **Action**

3                   Administrator Kill reported the Stillwater Country Club entered into a cooperative  
4                   agreement with BCWD in 2010 to install and maintain best management practices  
5                   on its grounds. BCWD completed an inspection of the project areas last month.  
6                   The raingardens and swale are well established and functioning except for area  
7                   “H” on fairway 6 which has not been infiltrating well since the start of the project  
8                   and Ms. Kill is recommending this area be removed from the maintenance  
9                   declaration.

10                   **Manager Schwarze moved, seconded by Manager Johnson, to authorize legal**  
11                   **counsel to draft and the administrator to execute an amendment to the**  
12                   **maintenance declaration removing Area H. Motion carried, vote 5/0.**

13  
14           9) **Old Business**

15           a) **Rules Revisions - Discussion**

16           **Manager Leiser moved, Manager Schwarze seconded, to table the discussion**  
17           **until the next meeting. Motion carried, vote 5/0.**

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19           10) **New Business**

20           a) **Wolf Marina Scope – Board Action**

21           Administrator Kill reported on sediment build up where Brown’s Creek discharges  
22           into the Saint Croix River at Wolf Marina in Stillwater and request from the marina  
23           owners to meet with our engineers to discuss potential solutions to improve long-term  
24           maintenance.

25           **Manager Leiser moved, seconded by Manager Taillon, to transfer \$1,670 from**  
26           **account 300-4950 (Management Plan Implementation - contingency reserve) into**  
27           **947-0019 (Brown's Creek - Sediment Source Analysis) and to approve the scope**  
28           **of services for engineering reconnaissance at Wolf Marina. Motion carried, vote**  
29           **5/0.**

30  
31           b) **Education Event**

32           Administrator Kill gave an update on a plan to have tee-shirts printed with BCWD  
33           logo to be given to volunteers for recognition and to wear at community events to  
34           increase public awareness, and costs for purchasing ice cream, prizes, banner, BCWD  
35           activity book printing, and other miscellaneous event supplies.

36           **Manager Johnson moved, seconded by Manager Maule Miller, to authorize not**  
37           **to exceed \$1,000 from account 910-0000 (Education & Outreach) Motion**  
38           **carried, vote 5/0.**

39  
40           11) **Discussion Agenda – No Action Required.**

41           a) **Administrator Updates**

42           Administrator Kill reported on current BCWD activities.

43  
44           b) **Communications & Manager Reports**

45           President Leiser asked if any of the managers were interested in attending the  
46           Minnesota Water Resources Conference in October.

1                   **Manager Leiser moved, seconded by Manager Johnson to approve registration**  
2                   **and expenses for managers and the administrator attending the Minnesota**  
3                   **Water Resources Conference. Motion carried, vote 5/0.**

4  
5                   President Leiser called attention to a report in the Board packet from Governor  
6                   Dayton on improving water quality.

7  
8                   Manager Maule Miller reported the following:

- 9                   • She was accepted to be on the Washington County groundwater advisory  
10                  committee.
- 11                  • She attended a very informative Legislative Water Commission meeting in  
12                  July on how water quality standards are developed.

13  
14                  **c) September 2017 BCWD Board Agenda**

15                  No items were suggested.

16  
17                  **12) Adjournment**

18                  **Manager Johnson moved, seconded by Manager Maule Miller, to adjourn the**  
19                  **Regular Meeting at 9:07PM. Motion carried, vote 5/0.**

20  
21                  Respectfully Submitted by

22                  Carmen Simonet, Recorder and Gerald Johnson, Recording Secretary