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2 Approved Minutes of the Special and Regular Meetings of the Brown's Creek Watershed  
3 District Board of Managers, Wednesday, August 11, 2021 at 5:00 PM  
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5 *Based on the determination by the Brown's Creek Watershed District president 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.*

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10 **ROLL CALL**

<b>Managers Present:</b>	<b>Others Present:</b>
Klayton Eckles, President	Karen Kill, Administrator
Gerald Johnson, Treasurer	Carmen Simonet, Recorder
Charles LeRoux, Secretary	Michael Welch, Smith Partners, BCWD counsel
Cecelia Wirth, Vice President	Camilla Correll, EOR, BCWD engineer
	Cameron Blake, BCWD staff
	Paul Fritton, EOR, BCWD engineer
	Mike Majeski, EOR, BCWD engineer
	Ryan Fleming, EOR, BCWD engineer
	Ally Mark, EOR, BCWD engineer
	Terry Dreyer, resident

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12 **1) Call Special Meeting to Order @ 5:00PM**  
13 President Eckles called the Special Meeting to order at 5:01PM.  
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15 **2) Approve Special Meeting Agenda**  
16 **Manager Johnson moved, seconded by Manager Wirth, to approve the Special**  
17 **Meeting agenda and discussion agenda as presented.**

	<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 LeRoux</u></b>	<b><u>X</u></b>			
<b><u>Manager Wirth</u></b>	<b><u>X</u></b>			

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23 **Motion carried 4/0.**

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25 **3) 2022 budget Discussion/Set Public Hearing September Regular Meeting**  
26 Administrator Kill gave an overview of the budget spreadsheet and reviewed the budget  
27 recommendations memo.

1 The Board supports looking for opportunities to reduce stormwater runoff in the drainage  
2 area of the Marylane Drainage Improvement Project. Ms. Kill noted the City of Stillwater  
3 is open to ideas on how to improve drainage in this area and to work collaboratively.  
4

5 The Board agrees with the approach to combine Brown's Creek stream restoration  
6 projects for cost savings and as a good fit for potential grant funding identified as habitat  
7 restoration, and phosphorus removal as a secondary benefit.  
8

9 The Board discussed doing more regional stormwater reuse projects in the Long Lake  
10 drainage area. One idea mentioned was an incentive program for businesses to purchase  
11 reuse water for irrigation rather than potable water. Chloride was discussed and how  
12 water reuse may impact this issue. Testing is planned for the 62<sup>nd</sup> Street pond and will be  
13 compared with monitoring results at the Long Lake inlet where chloride loading is high.  
14 Indoor use of stormwater was discussed such as for flooding an ice rink, but noted as not  
15 cost effective since building plumbing code requires it to be potable water.  
16

17 The Board supports the development of management plans for large ponds in the District.  
18 The ponds selected have similar concerns as lakes with residential properties such as  
19 improving water quality and reducing algae blooms. The Board wants to make sure both  
20 hydrology and water quality will be addressed.  
21

22 The Board agrees it is a priority to establish a BCWD flood management policy.  
23

24 The Board expressed caution about moving forward with developing a costly  
25 groundwater model. The administrator pointed out its potential for predicting flooding in  
26 the landlocked basins.  
27

28 The administrator reported the proposed budget is about a 10% decrease. The Board  
29 asked if anything was missing in order to keep it from fluctuating year to year. Ryan  
30 Fleming, EOR reported the operations and maintenance budget for the stormwater reuse  
31 projects is off by \$20,000, it should be \$80,000. A flood relief grant program and  
32 regional water quality projects were identified as likely in the next few years.  
33

34 The Board directed the administrator to adjust the budget to hold the levy constant for  
35 2022 by adding \$40,000 for flood relief projects, \$40,000 for regional water-quality  
36 projects and \$20,000 to the capital improvements maintenance fund and to issue notice of  
37 the public hearing for the September meeting.  
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39 **Manager Johnson moved, seconded by Manager Wirth, to adjourn the Special**  
40 **Meeting at 6:55pm.**

	<u>Yea</u>	<u>Nav</u>	<u>Abstain</u>	<u>Absent</u>
<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>			

46 **Motion carried 4/0.**

1 4) **Call Regular Meeting to Order**  
 2 President Eckles called the regular meeting to order at 6:55 p.m.

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 4 5) **Approve Regular Meeting Agenda and Discussion Agenda**  
 5 **Manager Wirth moved, seconded by Manager Johnson, to approve the regular**  
 6 **meeting agenda and discussion agenda as presented.**

	<b>Yea</b>	<b>Nav</b>	<b>Abstain</b>	<b>Absent</b>
7 <b>Manager Eckles</b>	<b>X</b>			
8 <b>Manager Johnson</b>	<b>X</b>			
9 <b>Manager LeRoux</b>	<b>X</b>			
10 <b>Manager Wirth</b>	<b>X</b>			

11 **Motion carried 4/0.**

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 14 6) **Public Comments**  
 15 There were no public comments.

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 17 7) **Consent Agenda**  
 18 **Manager Wirth moved, seconded by Manager LeRoux, to approve the consent**  
 19 **agenda:**

- 20 • **Approve minutes from July 14, 2021, regular meeting as presented.**
- 21 • **Accept the permit fee statement as presented.**
- 22 • **Authorize administrator to execute the one-year grant extension for BWSR**  
 23 **grant P19-3256.**
- 24 • **Approve Oak Glen Reuse Project pay request #3 (final payment) to**  
 25 **Northwest Asphalt in the amount of \$7,464.76.**

	<b>Yea</b>	<b>Nav</b>	<b>Abstain</b>	<b>Absent</b>
26 <b>Manager Eckles</b>	<b>X</b>			
27 <b>Manager Johnson</b>			<b>X</b>	
28 <b>Manager LeRoux</b>	<b>X</b>			
29 <b>Manager Wirth</b>	<b>X</b>			

30 **Motion carried 3/0/1, Manager Johnson abstained because he was not at the July**  
 31 **meeting.**

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 34 8) **Treasurer's Report**

35 a) **Review Authorized Funds Spreadsheet**

36 Administrator Kill presented the authorized funds spreadsheet.

37 **Manager Johnson moved, seconded by Manager Wirth, to accept the authorized**  
 38 **funds spreadsheet as presented.**

	<b>Yea</b>	<b>Nav</b>	<b>Abstain</b>	<b>Absent</b>
39 <b>Manager Eckles</b>	<b>X</b>			
40 <b>Manager Johnson</b>	<b>X</b>			
41 <b>Manager LeRoux</b>	<b>X</b>			
42 <b>Manager Wirth</b>	<b>X</b>			

43 **Motion carried 4/0.**

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

2           **Manager Johnson moved, seconded by Manager Wirth, to approve payment of**  
 3           **bills as presented in the amount of \$124,611.17.**

	<u>Yea</u>	<u>Nav</u>	<u>Abstain</u>	<u>Absent</u>
4 <u><b>Manager Eckles</b></u>	<u>X</u>			
5 <u><b>Manager Johnson</b></u>	<u>X</u>			
6 <u><b>Manager LeRoux</b></u>	<u>X</u>			
7 <u><b>Manager Wirth</b></u>	<u>X</u>			
8 <u><b>Motion carried 4/0.</b></u>				

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11       **9) Projects**

12       **a) Tributary Stabilization Project**

13       Karen Kill noted the tributary stabilization project is a BCWD capital improvement  
 14       project and provides an opportunity to discuss BCWD policy on whether or not to  
 15       permit its own projects. She noted that legal counsel prepared a memo to help guide  
 16       the discussion.

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18       Manager Eckles noted from his experience, government transparency is important  
 19       and sees value in an outside consultant reviewing BCWD projects, but, he stated, he  
 20       is not sure that such reviews always provide value justifying the expense. He said it  
 21       appropriate to demonstrate that BCWD projects are held to the same standards as  
 22       everyone else. Manage Wirth stated that sometimes the public scrutiny on a project  
 23       will support conducting a regulatory review. Manager LeRoux noted it should be a  
 24       project-by-project decision. When someone has a concern, BCWD should pause and  
 25       consider what action to take.

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27       Karen Kill suggested the public hearing held for a capital improvement project can  
 28       be an opportunity to highlight how the project meets the rules. The public notice that  
 29       goes out beforehand is also a valuable tool to get information out about a project.  
 30       Michael Welch pointed out that if BCWD is partnering with another public agency  
 31       on a project, it would be odd to exempt BCWD’s portion of the work when the other  
 32       entity’s is subject to regulatory review. BCWD should consider at the time of  
 33       ordering the project what type of permit review to conduct.

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35       The board agreed that when ordering a project it will provide direction to staff on  
 36       public-input steps to incorporate into design and implementation.

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38       **(1) BCWD Permit 21-27 – Board Action**

39       **Manager LeRoux moved, seconded by Manager Eckles, to approve permit**  
 40       **21-27 as recommended.**

	<u>Yea</u>	<u>Nav</u>	<u>Abstain</u>	<u>Absent</u>
41 <u><b>Manager Eckles</b></u>	<u>X</u>			
42 <u><b>Manager Johnson</b></u>	<u>X</u>			
43 <u><b>Manager LeRoux</b></u>	<u>X</u>			
44 <u><b>Manager Wirth</b></u>	<u>X</u>			
45 <u><b>Motion carried 4/0.</b></u>				

1                   **(2) Contractor Selection – Board Action**

2                   Mike Majeski, EOR reported ten qualified contractors were solicited for quotes  
 3                   and four quotes were received. Minnesota Native Landscapes was the low quote,  
 4                   and was less than the engineer’s estimate.

5                   **Manager Wirth moved, seconded by Manager Johnson, to award the**  
 6                   **contract to Minnesota Native Landscapes for the tributary restoration**  
 7                   **project and to authorize not to exceed \$109,450 from account 959-0002**  
 8                   **(Resource Assessment - Diversion Tribs - Head cut Repairs); and to**  
 9                   **authorize the administrator to execute the contract with Minnesota Native**  
 10                  **Landscapes on advice of legal counsel and to grant authority to execute**  
 11                  **change orders in aggregate up to 10% of the contract price.**

	Yea	Nay	Abstain	Absent
12 <u><b>Manager Eckles</b></u>	X			
13 <u><b>Manager Johnson</b></u>	X			
14 <u><b>Manager LeRoux</b></u>	X			
15 <u><b>Manager Wirth</b></u>	X			
16 <u><b>Motion carried 4/0.</b></u>				

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 19                  **b) Oak Glenn Reuse O&M 2021 – Board Action**

20                  Ryan Fleming, EOR reported on a scope of services for operation and maintenance  
 21                  of the Oak Glen Golf Course stormwater reuse project through 2021.

22                  **Manager LeRoux moved, seconded by Manager Wirth, to approve the scope of**  
 23                  **services for tasks 1-4 not to exceed \$8,500 from account 948-0000 (CIP**  
 24                  **Maintenance).**

	Yea	Nay	Abstain	Absent
25 <u><b>Manager Eckles</b></u>	X			
26 <u><b>Manager Johnson</b></u>	X			
27 <u><b>Manager LeRoux</b></u>	X			
28 <u><b>Manager Wirth</b></u>	X			
29 <u><b>Motion carried 4/0.</b></u>				

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 32                  **10) New Business**

33                  **a) Watershed District Tour/Date and Scope – August 24<sup>th</sup> 4-6pm**

34                  Cameron Blake reported the Citizen Advisory Committee met on Monday. Because  
 35                  of concern over increases in Covid-19 infection rates, the CAC wants to delay the  
 36                  August tour until mid-September and to make it a walking tour only. A Doodle poll  
 37                  will be sent out to the Board on possible dates. Roughly 20 people will be invited  
 38                  including the Board, the 12 members of the CAC, and the county commissioners.  
 39

40                  **b) Watershed District Community Event Scope – Board Action**

41                  Cameron Blake reported on the September 18, 2021 community event.

42                  **Manager Johnson moved, seconded by Manager Wirth, to authorize**  
 43                  **expenditure not to exceed \$1,275 from account 910-0000 (Education &**  
 44                  **Outreach) for the BCWD community event.**

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	<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 LeRoux</u>	<u>X</u>			
<u>Manager Wirth</u>	<u>X</u>			
<u>Motion carried 4/0.</u>				

11) **Discussion Agenda – No Action Required**

a) **Updates**

(1) **Administrator**

No additional reports.

(2) **Legal**

Michael Welch acknowledged the passing of president Leiser and paid tribute to his contributions to BCWD.

Mr. Welch also reported that President Eckles and the administrator determined not to go back to in-person meetings because of the increase in Covid-19 infection rates. The managers concurred that the September meeting should also be conducted via interactive technology.

(3) **Engineer**

No additional reports.

(4) **Managers**

Manager Johnson reported the Stillwater Country Club is interested in a water reuse project now that its pond has gone completely dry. Karen Kill noted the need for the club’s board to communicate its interest to BCWD.

c) **September 2021 Regular BCWD Board Agenda**

No items were suggested.

12) **Adjournment**

**Manager Johnson moved, seconded by Manager Wirth, to adjourn the Regular Meeting at 8:09PM.**

	<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 LeRoux</u>	<u>X</u>			
<u>Manager Wirth</u>				
<u>Motion carried 4/0.</u>				

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