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2 Approved Minutes of the Regular Meeting of the Brown's Creek Watershed District Board of  
3 Managers, Wednesday, August 12, 2020 at 6:30 PM  
4

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

<b>Managers Present:</b>	<b>Others Present:</b>
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
	Cameron Blake, BCWD staff
	Paul Fritton, EOR, BCWD engineer
<b>Managers Absent:</b>	Ryan Fleming, EOR, BCWD engineer
Charles LeRoux, Secretary	Mike Majeski, EOR, BCWD engineer
	Stu Grubb, EOR, BCWD engineer
	Patrick Renner, Applewood Golf Course
	Nathan Arnold, Washington County Public Works
	Sapryna Balstad, resident
	Heather Bender, resident
	Tom and Patty Hooley, residents
	Emily Johnson, EOR, BCWD Engineer
	Michael Nystrom, resident
	Paul Richtman, resident
	Ryan Smith, resident
	Rob Thompson, resident
	Sarah Thompson, resident
	George Vania, resident
	Steve Wicker, resident
	Richard Trent, resident
	Sean Lynch, resident

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**1) Call Regular Meeting to Order @ 6:30PM**

President Leiser indicated that technical glitches were making it impossible for him to access video, and that he would only be able to participate via audio. He asked the vice president, Manager Eckles, to chair the meeting. Manager Eckles called the Regular Meeting to order at 6:35PM. A roll call for attendance was taken.

	<b>Present</b>	<b>Absent</b>
<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>	

**2) Approve Regular Meeting Agenda and Discussion Agenda**

Manager Leiser moved, seconded by Manager Schwarze, to approve the Regular Meeting agenda and discussion agenda as presented.

	<b>Yea</b>	<b>Nav</b>	<b>Abstain</b>	<b>Absent</b>
<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 4/0.

**3) Public Comments**

Steve Wicker a resident of Stillwater asked what BCWD’s power is in enforcing rules when violations are made. At the chair’s request, Michael Welch stated that watershed districts have authority and responsibility to develop and implement watershed plans, to develop and implement programs and capital-improvement projects, and to adopt and enforce rules. He noted that watershed districts may not fine or issue tickets for violations.

**4) Consent Agenda**

Manager Leiser moved, seconded by Manager Johnson, to approve the consent agenda:

- Approve minutes from July 8, 2020 Regular Meeting as presented.
- Approve minutes from July 29, 2020 Special Meeting as presented.
- Accept the permit fee statement as presented.

	<b>Yea</b>	<b>Nav</b>	<b>Abstain</b>	<b>Absent</b>
<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 4/0.

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2 **5) Treasurer’s Report**

3 **a) Review Authorized Funds Spreadsheet**

4 Administrator Kill presented the authorized funds spreadsheet and 2020 budget with  
5 updated actual carry-forward amounts.

6 **Manager Schwarze moved, seconded by Manager Leiser, to approve the**  
7 **authorized funds spreadsheet and 2020 budget with revised carry forward as**  
8 **presented.**

	Yea	Nav	Abstain	Absent
9 <b><u>Manager Eckles</u></b>	<b><u>X</u></b>			
10 <b><u>Manager Johnson</u></b>	<b><u>X</u></b>			
11 <b><u>Manager Leiser</u></b>	<b><u>X</u></b>			
12 <b><u>Manager LeRoux</u></b>				<b><u>X</u></b>
13 <b><u>Manager Schwarze</u></b>	<b><u>X</u></b>			
14 <b><u>Motion carried 4/0.</u></b>				

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

19 **Manager Johnson moved, seconded by Manager Leiser, to approve payment of**  
20 **bills as presented in the amount of \$179,946.46**

	Yea	Nav	Abstain	Absent
21 <b><u>Manager Eckles</u></b>	<b><u>X</u></b>			
22 <b><u>Manager Johnson</u></b>	<b><u>X</u></b>			
23 <b><u>Manager Leiser</u></b>	<b><u>X</u></b>			
24 <b><u>Manager LeRoux</u></b>				<b><u>X</u></b>
25 <b><u>Manager Schwarze</u></b>	<b><u>X</u></b>			
26 <b><u>Motion carried 4/0.</u></b>				

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29 **6) Permits**

30 **a) BCWD Permit 18-02 Heifort Estates – Enforcement Hearing – Board Action**

31 After attempting to contact Todd Ganz, the permit holder of the Heifort Estates,  
32 Administrator Kill reported that Mr. Ganz would not attend the hearing tonight. She  
33 provided background, noting that Heifort Pond has a 75’ buffer around it and a  
34 declaration that protects the buffer, though BCWD has not been able to confirm that  
35 the declaration has been recorded as required. Unauthorized tree removal, trimming,  
36 and mulch spreading recently took place in the buffer, degrading the vegetative  
37 cover. Ms. Kill noted an enforcement hearing was scheduled because Mr. Ganz  
38 indicated he was not willing to restore the buffer but now has expressed willingness  
39 to work with BCWD on correcting the problem.

40  
41 Michael Welch, Smith Partners confirmed the managers can either move forward,  
42 since Mr. Ganz acknowledged that he received notice, or delay the hearing. Manager  
43 Eckles asked that the engineer review the issue so that the managers better  
44 understand the situation. He also noted a number of residents are in attendance that  
45 want to share their concerns and observations.  
46

1 Paul Fritton, EOR reported on his August 3<sup>rd</sup> site inspection of the Heifort Pond  
2 buffer. The photos from his visit show stumps from tree removal, evergreens  
3 trimmed up exposing the ground beneath them, and a deep layer of mulch spread  
4 over the area. The inspector noted a major concern is the lack of vegetation where  
5 the mulch is spread. This creates an opportunity for invasive species to establish,  
6 degrading habitat and the buffer's ability to slow and filter runoff. Mr. Fritton also  
7 showed a photo of a sediment delta in the pond on the Heifort Estates property  
8

9 President Leiser proposed the Board delay the enforcement hearing and have the  
10 administrator and inspector work with Mr. Ganz to comply with restoring the buffer  
11 and with properly filing the declaration with the county.  
12

13 Manager Eckles asked for comments from meeting attendees.  
14

- 15 – Sapryna Balstad lives at 2140 Oak Glen Trail on the east side of the pond and is  
16 concerned about the clearing happening in at least a couple of places in the  
17 buffer. This weekend she saw a bulldozer clearing vegetation that was not just  
18 invasive species. She has also observed the use of herbicide on groundcover in  
19 the buffer. She suggested better communication is needed. Rules on vegetation  
20 management in the buffer may not be clear to all and the lack of signage is a  
21 problem.  
22
- 23 – George Vania lives at 2200 Oak Glen Circle and has observed mud slides  
24 following construction work in the clay soils. He is concerned with the violation  
25 of the buffer and the habitat destruction and noted the pond is home to Sandhill  
26 cranes, great blue herons, egrets, and red-wing blackbirds. He wants to see the  
27 buffer restored to quality habitat.  
28
- 29 – Tom Hooley lives at 2250 Oak Glen Court and wants there to be cooperation  
30 among the residents in taking care of the buffer and agrees with what was said  
31 earlier, that better communication is key to making this happen. He asked that  
32 BCWD closely monitor the restoration work to make sure Mr. Ganz follows  
33 through.  
34
- 35 – Steve Wicker lives at 2214 Pond Circle and is concerned about delaying the  
36 enforcement. He has observed violations happening on the weekend including  
37 buckthorn being chipped and spread in the buffer. He has also observed a failed  
38 silt fence in the past, and noted the pond is growing browner.  
39
- 40 – Heather Bender lives at 2418 Pond Circle and said there are signs posted  
41 identifying the buffer in the first development, where she is located. She  
42 reported Todd Ganz told her Saturday that he had authorization from BCWD  
43 and the city to do the tree trimming work.  
44
- 45 – Ryan Smith lives at 2100 Oak Glen Trail. He has been there for a year and is  
46 happy to hear his neighbors taking an interest in protecting the buffer. He

1 reviewed the developer’s agreement and it seems clear to him that it was  
 2 violated with the tree work. He questions whether Mr. Ganz will follow through  
 3 on filing the paperwork and putting up the required buffer signs.

- 4
- 5 – Sarah Thompson lives at 8753 Neal Avenue North and supports what she has
- 6 heard from the other neighbors.
- 7
- 8 – Michael Nystrom lives at 1990 Oak Glen Trail and has been on the pond for 30
- 9 years and has observed a large decline in water quality and wildlife.

10  
 11 **Manager Leiser moved, seconded by Manager Schwarze, to direct the**  
 12 **administrator to continue to work with the inspector and property owner to**  
 13 **come into compliance, to collect appropriate fees, to have the owner work with**  
 14 **BCWD in preparing a restoration plan, and to properly file the declaration as**  
 15 **required. If efforts are not successful, then the administrator is to schedule an**  
 16 **enforcement hearing between now and the September meeting.**

	Yea	Nav	Abstain	Absent
17 <b><u>Manager Eckles</u></b>	X			
18 <b><u>Manager Johnson</u></b>	X			
19 <b><u>Manager Leiser</u></b>	X			
20 <b><u>Manager LeRoux</u></b>				X
21 <b><u>Manager Schwarze</u></b>	X			
22 <b><u>Motion carried 4/0.</u></b>				

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 25 **7) Projects**

26 **a) CSAH 15/Hwy 36 Interchange Regional Stormwater Treatment – Board Action**

27 Michael Welch, Smith Partners reported BCWD has been working on an agreement  
 28 with the golf course and noted the points that were undecided at the last meeting  
 29 have been worked out. The notice of sale provision has been removed, but the  
 30 BCWD will have an easement which will effectively protect its interests. The golf  
 31 course will have exclusive rights to the system that is constructed on its property, but  
 32 stormwater coming off the interchange can be used by others. BCWD and the golf  
 33 course will work together on the operations and maintenance plan to achieve the  
 34 interests of both parties. There is a final drawing that needs to be completed and  
 35 legal description updated after the county right-of-way is finalized.

36  
 37 Patrick Renner, Applewood Golf Course thanked BCWD for the opportunity to  
 38 create redundancy in their watering system and to do something good for the  
 39 environment.

40  
 41 President Leiser noted receiving an endorsement from the Board of Water and Soil  
 42 Resources on BCWD’s water reuse projects.

43 **Manager Leiser moved, seconded by Manager Johnson, to authorize the**  
 44 **administrator on advice of counsel to enter into the agreement with Applewood**  
 45 **Golf Course on behalf of BCWD.**

	Yea	Nav	Abstain	Absent
46				

1	<u>Manager Eckles</u>	<u>X</u>
2	<u>Manager Johnson</u>	<u>X</u>
3	<u>Manager Leiser</u>	<u>X</u>
4	<u>Manager LeRoux</u>	<u>X</u>
5	<u>Manager Schwarze</u>	<u>X</u>
6	<u>Motion carried 4/0.</u>	

8) **Diversions Drainage Tributary Stabilization Scope – Board Action**

Mike Majeski, EOR reported on a scope of work for the restoration of three tributaries between the Diversion Structure and Boutwell Road. Tasks include geomorphic assessment, preliminary design, and stakeholder engagement.

**Manager Schwarze moved, seconded by Manager Leiser, to authorize expenditure of \$18,399 from account 959-0002 (Resource Assessment - Diversion Tribs - Head cut Repairs) to conduct the tributary restoration tasks outlined in the engineer’s scope of work.**

	<u>Yea</u>	<u>Nay</u>	<u>Abstain</u>	<u>Absent</u>
17	<u>Manager Eckles</u>	<u>X</u>		
18	<u>Manager Johnson</u>	<u>X</u>		
19	<u>Manager Leiser</u>	<u>X</u>		
20	<u>Manager LeRoux</u>			<u>X</u>
21	<u>Manager Schwarze</u>	<u>X</u>		
22	<u>Motion carried 4/0.</u>			

8) **Planning**

a) **Kimbro/CR 12 Flooding Analysis Scope – Board Action**

Ryan Fleming, EOR reported the BCWD surface water model was updated with recently collected survey and residential well data. He gave an overview of the subwatersheds contributing to the Kimbro Basin and the revised peak elevations throughout the drainage area. The residential structures with concern for flooding based on various size rain events, include the Trent, Gunderson, and Monn residences.

Manager Eckles asked the engineer to explain why pumping is not a viable solution. Stu Grubb, EOR explained there is a good chance that groundwater plays a role in the hydrology of the surface water and if this is the case, pumping will not solve the problem. He noted BCWD collects groundwater information from 3 mid-depth wells and two deep wells in the area. To better understand the movement of shallow groundwater, the engineer presented a scope for two additional piezometers, one north and one south of the Kimbro Basin that will indicate the flow direction and vertical movement of water in and out of the water table. He noted that once the piezometers are in place, within a month there should be enough information to understand the flow of the groundwater.

Camilla Correll, EOR presented an additional scope for evaluating options for more permanent flood mitigation in the Kimbro Basin. Managers Leiser and Eckles agreed that the first option, evaluating permanently raising the roads, should be performed

1 by the county or city not the watershed. The administrator clarified that the city of  
 2 Grant is not interested in the watershed taking the lead but in taking a supporting  
 3 role by evaluating the impacts of raising the roads on the drainage basin and helping  
 4 to identify a new road elevation to manage flood risk. Manager Schwarze reported  
 5 the City of Grant supports working with BCWD on a long-term solution.  
 6

7 Manager Eckles expressed his support for pumping as an emergency response and  
 8 the need to resolve the flooding risk promptly. Administrator Kill reported the  
 9 county has already collected necessary information on pumping and is prepared to  
 10 take this action in an emergency. The county has expressed interest in help with  
 11 evaluating the long-term options.  
 12

13 Michael Welch, Smith Partners noted that pursuing the options presented will trigger  
 14 certain legal requirements before they can be pursued by BCWD, and that locating  
 15 the piezometers on properties will require agreements with the property owners, and  
 16 these costs would be above and beyond the engineer’s scope.

17 **Manager Eckles moved, seconded by Manager Leiser, to authorize transfer of**  
 18 **\$15K from 923-0001 (July Avenue - Flood Risk Assessment), \$5K from 923-**  
 19 **0000 (H&H Model Maintenance), \$5K from 300-4950 (Management Plan**  
 20 **Implementation –miscellaneous) and \$5K from the Contingency Reserve to new**  
 21 **account 923-0002 (Flood Risk Assessment); and to authorize expenditure not to**  
 22 **exceed \$30,000 from new account 923-0002 (Flood Risk Assessment) for EOR to**  
 23 **conduct shallow groundwater level measurements, evaluating options 1 and 2**  
 24 **and legal counsel fees to support this effort.**  
 25

	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 4/0.</u></b>				

33  
 34 **b) Lower St. Croix One Watershed One Plan – JPA Agreement – Board Action**

35 President Leiser gave an overview of the purpose for the Lower St. Croix One  
 36 Watershed One Plan. Michael Welch, Smith Partners reported the Lower St. Croix  
 37 One Watershed One Plan policy committee has submitted the draft plan to BWSR  
 38 for approval. He has made recommendations to the policy committee to make the  
 39 joint powers agreement less cumbersome and confusing and has also drafted a  
 40 change to make adoption of the comprehensive plan not a requirement of being part  
 41 of the Lower St. Croix effort.

42 **Manager Leiser moved, seconded by Manager Eckles, to authorize the BCWD**  
 43 **President enter into the Lower St. Croix One Watershed One Plan Joint Powers**  
 44 **Agreement with the condition that the joint powers agreement is amended to**  
 45 **remove the requirement of plan adoption.**  
 46

	<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 Leiser</u>	<u>X</u>			
<u>Manager LeRoux</u>				<u>X</u>
<u>Manager Schwarze</u>	<u>X</u>			

Motion carried 4/0.

c) **Virtual Community Event – Board Action**

Cameron Blake, BCWD staff reported he is working with East Metro Water Education and the Washington Conservation District on developing a month-long virtual community event. The event will center on an interactive map called *Explore the Brown’s Creek Watershed*, featuring photos and family friendly activities. The Citizen’s Advisory Committee are also assisting by performing test runs using the map prior to public release. A flyer will be sent out using various media outlets including Peachtree and Facebook to promote the event.

**Manager Leiser moved, seconded by Manager Johnson, to authorize expenditure not to exceed \$1000 from account 910-0000 (Education and Outreach) for the BCWD community event promotion and prizes.**

	<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 Leiser</u>	<u>X</u>			
<u>Manager LeRoux</u>				<u>X</u>
<u>Manager Schwarze</u>	<u>X</u>			

Motion carried 4/0.

d) **2021 Budget Planning – Schedule Public Hearing**

Administrator Kill asked the managers if they had any additional items to include in the budget. President Leiser asked that an additional \$30,000 be added to Flood Risk Assessment for the Kimbro flooding issue. The managers scheduled a public hearing on the 2021 budget planning for September 9, 2020 at the regular meeting.

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

a) **Administrator Updates: Long Lake Elevation survey, Oak Glen Golf Course Reuse, Permit Update**

Administrator Kill reported Stillwater is planning to survey the lowest openings on houses on Long Lake at no cost to BCWD.

Stillwater is getting cost estimates for dredging the sediment deposits from the diversion drainage area in a portion of McKusick Lake. They will be approaching BCWD about potential cost sharing for this work.

b) **Communications & Manager Reports**

c) **September 2020 Regular BCWD Board Agenda**

No items were suggested.



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**10) Adjournment**

**Manager Johnson moved, seconded by Manager Leiser, to adjourn the Regular Meeting at 9:46PM.**

	<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>			

**Motion carried 4/0.**

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