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2 Approved Minutes of the Regular Meeting of the Brown’s Creek Watershed District Board of  
3 Managers, Wednesday August 14, 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 (arrived 7:45pm)	Michael Welch, Smith Partners, BCWD counsel
Anne Maule Miller, Secretary	Cameron Blake, BCWD staff
Klayton Eckles, 2 <sup>nd</sup> Vice President	Camilla Correll, EOR, BCWD engineer
	Emily Johnson, EOR, BCWD engineer
	Ryan Fleming, EOR, BCWD engineer
	Cecilio Olivier, EOR, BCWD engineer
	Stu Grubb, EOR, BCWD engineer
	Bob Tipping, MN Department of Health
	Nathan Arnold, Washington Co. Public Works
	Amanda Johnson, Summit Management LLC
	Shawn Saunders, City of Stillwater
	Dan Parks, Westwood Professional Services

- 9  
10 **1) Call Regular Meeting to Order @ 6:30 PM**  
11 President Leiser called the Regular Meeting to order at 6:31PM.  
12  
13 **2) Approve Regular Meeting Agenda and Discussion Agenda**  
14 **Manager Schwarze moved, seconded by Manager Maule Miller, to approve the**  
15 **Regular Meeting agenda and discussion agenda as presented. Motion carried, vote**  
16 **4/0.**  
17  
18 **3) Public Comments**  
19 There were no public comments.  
20  
21  
22

1 4) **Consent Agenda**  
 2 **Manager Maule Miller moved, seconded by Manager Schwarze, to approve the**  
 3 **consent agenda:**

- 4 • **Approve minutes from July 10, 2019 Regular Meeting as presented.**
- 5 • **Approve minutes from July 31, 2019 Special Meeting as presented.**
- 6 • **Accept the permit fee statement as presented.**
- 7 • **Approve manager registration, expenses, and per diems for Governance 101**  
 8 **Conference 12-13, 2019.**

9 **Motion carried, vote 4/0.**

10  
 11 5) **Treasurer’s Report**

12 a) **Review Authorized Funds Spreadsheet**

13 Administrator Kill presented the authorized funds spreadsheet.

14 **Manager Schwarze moved, seconded by Manager Maule Miller, to approve the**  
 15 **authorized funds spreadsheet as presented. Motion carried, vote 4/0.**

16  
 17 b) **Current Items Payable – Board Action**

18 **Manager Schwarze moved, seconded by Manager Eckles, to approve payment of**  
 19 **bills as presented in the amount of \$173,071.24.**

	<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>			

26 **Motion carried 4/0.**

27  
 28 Administrator Kill reported a total balance of \$1,558,465.58 after payables.

29 **Manager Schwarze moved, seconded by Manager Maule Miller, to approve the**  
 30 **treasurer’s report. 4/0.**

31  
 32 6) **Board Training – Drinking Water Supply Management Areas and groundwater**  
 33 **Vulnerability – Bob Tipping Minnesota Department of Health**

34 Bob Tipping of the Minnesota Health Department gave an overview on the drinking  
 35 water supply management areas of Oak Park Heights and Stillwater, explaining how it  
 36 corresponds to geologic conditions and the vulnerability of drinking water. A drinking  
 37 water supply management area (DWSMA) is a political boundary outlining the surface  
 38 and subsurface area that contributes to a public drinking water well. The area is based on  
 39 a model of the time it takes for groundwater to move through the soils to the well. The  
 40 management goal for a DWSMA is to prevent contaminants from moving into the  
 41 drinking water supply.

42  
 43 Manager Maule Miller asked about issues in siting a regional treatment facility. Mr.  
 44 Tipping noted there are a number of variables to identify, such as what is in the water  
 45 being collected, the volume, and recognizing the pathways that lead to the well.  
 46

1 Manager Eckles asked about the use of salt on roadways. Mr. Tipping noted chloride is  
2 an indicator of recent water movement and it is getting into the aquifers and showing up  
3 in wells. He noted there are many sources of chloride in addition to road use, including  
4 water softeners and agriculture.  
5

6 Mr. Tipping noted that the DWSMA maps in Stillwater and Oak Park Heights were not  
7 created with the most recent subsurface map and were not developed with site specific  
8 stormwater management decision making in mind.  
9

10 The managers thanked Mr. Tipping for his excellent and informative presentation.  
11

12 **7) Projects**

13 **a) Rule Revision**

14 **(1) Watershed Rules/Local Ordinance Comparison Results**

15 Camilla Correll, EOR presented a comparison of rules of BCWD, the surrounding  
16 watershed management organizations, and the local ordinances of the  
17 communities in the drainage area of Long Lake and the Diversion Structure. The  
18 rules were compared by looking at a number of different triggers including  
19 standards for development and redevelopment.  
20

21 Administrator Kill reported staff has met with the communities to review the  
22 comparison chart. They identified and discussed the differences on a number of  
23 the items and plan to meet again to complete the review. Staff is collecting the  
24 points from the meetings that need more discussion.  
25

26 President Leiser noted the One Watershed One Plan seeks to have consistency in  
27 watershed management and this is a goal with the rule revision process.  
28

29 Manager Eckles commented on the high cost and less than ideal best management  
30 practices that were implemented in the redevelopment of the old prison site. He  
31 advocated a system of banking and trading stormwater credits be considered for  
32 redevelopment projects with challenging constraints in meeting the rules. Michael  
33 Welch, Smith Partners stated a fee-in-lieu system places on the watershed district  
34 the burden of finding the sites and doing the projects. It was discussed that  
35 flexible treatment options have reduced the need for a banking program. Michael  
36 Welch also noted that the broad restrictions on infiltration in DWSMA's in the  
37 state construction stormwater general permit causes conflict with local rules.  
38

39 *(Manager Johnson arrived at this time.)*  
40

41 President Leiser said BCWD needs to look into the experiences of watersheds that  
42 have been addressing redevelopment for a long period of time in particular,  
43 Capitol Region Watershed District.  
44

1 Administrator Kill noted the drinking water supply management area maps  
2 brought up a number of questions for the two communities since groundwater  
3 maps now need to be used to determine construction permits.  
4

5 President Leiser stressed a need for creativity as BCWD moves through the rule  
6 revision process.  
7

## 8 **(2) Rate Control Evaluation Results**

9 Camilla Correll presented a map of recent Long Lake/Diversion Drainage  
10 hydrology related stressors, including local drainage issues, potential areas of  
11 temporary flooding, channel erosion and sediment accumulation areas.  
12

13 Ryan Fleming presented a rate control evaluation of two recently permitted sites  
14 located in the Diversion Structure drainage area. The purpose of the evaluation  
15 was to assess how the various rate control standards (pre-settlement, pre-  
16 development, and existing conditions) would affect the applicability of  
17 stormwater-management requirements for the two projects. The engineer's  
18 assessment of the findings found a small difference in rate, flows and flooding  
19 impacts downstream between using pre-settlement and pre-development and a  
20 more significant difference between using a pre-development rate and existing  
21 conditions in the redevelopment scenario.  
22

### 23 Discussion:

- 24 • Manager Eckles questioned whether the pre-settlement standard BCWD  
25 currently uses, provides enough value to offset the higher cost for the best  
26 management practices needed to meet the standard.
- 27 • Cecilio Olivier, EOR said most communities and watershed management  
28 organizations are using the pre-development rate rather than the pre-  
29 settlement rate.
- 30 • President Leiser raised the issue of climate change and the need to factor  
31 in its impact. Manager Maule Miller concurred noting current rain events  
32 are going up exponentially. Camilla Correll, EOR acknowledged the  
33 concern and said that using the updated Atlas 14 precipitation depths  
34 accounts for more recent trends in precipitation and that at a minimum this  
35 information needs to be used in stormwater management decisionmaking  
36 and design.
- 37 • Shawn Sanders pointed out that Long Lake water quality is improving and  
38 suggested it is not because of pre-settlement rates as most of the Long  
39 Lake subwatershed was developed prior to BCWD Rules. He stated that  
40 the improvement is due to better management practices, such as the  
41 removal of agricultural runoff into the lake, and no sand being used on the  
42 streets.
- 43 • The managers expressed general support to move from a pre-settlement  
44 standard to a pre-development standard. Manager Maule Miller noted a  
45 preference to better understand the impact before committing. Ms. Kill

1 clarified the revision in the rate standard would be for the Long  
2 Lake/Diversion Structure drainage area only.

- 3 • Administrator Kill asked whether it would be beneficial to downstream  
4 resources if the rate control were to match pre-development for the 2-and  
5 10-year storms to help remedy identified rate related issues downstream.  
6 However, the 100-year storm does not seem to be causing significant  
7 flooding issues downstream and has the largest impact on the sizing of  
8 stormwater management facilities. She suggested that the 100-year rate  
9 control match existing conditions.

10 Dan Parks asked whether BCWD has the authority to address groundwater issues.  
11 Michael Welch, Smith Partners responded by noting that groundwater protection  
12 is well within BCWD's statutory authority.

13  
14 **(3) Community Meeting Update**

15 BCWD staff met with the communities and went through the comparison chart.  
16 They identified and discussed the differences on a number of the items and plan to  
17 meet again to complete the review.

18  
19 **(4) Schedule Joint BCWD Board and Oak Park Heights City Council Meeting**

20 The joint meeting is scheduled for Tuesday, September 10th at 6pm. President  
21 Leiser reported BCWD will have time for a 15 minute presentation.

22  
23 **b) THPP Repairs Scope – Board Action**

24 Camilla Correll, EOR, BCWD engineer reported on a scope of services to repair  
25 cracks and a separated joint found in the THPP outlet structure. Manager Eckles  
26 wondered if BCWD could not perhaps realize some cost savings by conducting  
27 maintenance and repair work on several projects at once in the spring. President  
28 Leiser directed the district engineer to find out what the options are for tree removal  
29 work identified in the scope, to occur this fall.

30 **Manager Eckles moved, seconded by Manager Johnson, to direct staff to review**  
31 **other potential projects to pair with the THPP drop outlet structure repair**  
32 **project and report back in April 2020. Motion carried, vote 5/0.**

33  
34 **8) 2020 Draft Budget – Discussion**

35 **a) Lower St. Croix One Watershed One Plan Implementation**

36 President Leiser reported on the status of the Lower St. Croix One Watershed One  
37 Plan. This will not likely impact the 2020 budget, but may be something to consider  
38 for the 2021 budget.

39  
40 **b) July Avenue Flood Risk Analysis**

41 Administrator Kill reported on the pond flooding issue that occurred on July Avenue.  
42 The lake has dropped considerably since the initial request by the City of Hugo for  
43 assistance. Elevation information for the nearby homes does not appear to be  
44 available. The district engineer estimate for a flood risk analysis is \$15,000. This  
45 would include a survey of the area and the lowest floor elevations of nearby homes.  
46 The managers confirmed they would like this added to the 2020 budget.

1  
2 Manager Schwarze asked if there is adequate funds budgeted for the CIP maintenance  
3 for next year. Ms. Kill verified the maintenance budget is adequate.  
4

- 5 **c) Schedule Public Hearing for September 11, 2019 – Board Action**  
6 **Manager Schwarze moved, seconded by Manager Johnson, to authorize a public**  
7 **hearing for September 11, 2019. Motion carried, vote 5/0.**  
8

9 **9) New Business**

10 **a) Clean Water Fund 2020 Grant Application – Board Action**

11 The managers expressed support for the administrator to move forward with the grant  
12 application.  
13

14 **b) MAWD Annual Meeting – Abstract submittal**

15 Manager Maule Miller proposed submitting an abstract to compare MIDs to other  
16 rules. She has discussed this with Emily Javens, of the Minnesota Association of  
17 Watershed Districts and she is supportive of the idea.  
18

19 **10) Discussion Agenda – No Action Required**

20 **a) Administrator Updates**

21 **(1) Permit Updates**

22 President Leiser acknowledged the excellent job Emily Johnson, EOR has been  
23 doing on permit inspections.  
24

25 **(2) Capital Improvement Projects Standard Operating Procedures Manual**

26 Administrator Kill reported sections of the manual are complete and ready to be  
27 posted on the website.  
28

29 **b) Communications & Manager Reports**

30 The managers reported on issues with the battery life of their iPads.  
31

32 **c) September 2019 Regular BCWD Board Agenda**

33 No items were suggested.  
34

35 **11) Adjournment**

36 **Manager Maule Miller moved, seconded by Manager Johnson, to adjourn the**  
37 **Regular Meeting at 9:48PM. Motion carried, vote 5/0.**  
38

39 Respectfully Submitted by

40 Carmen Simonet, Recorder and Anne Maule Miller, Recording Secretary  
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