



1
2 APPROVED Minutes of the Regular & Special Meeting of the Brown's Creek Watershed
3 District Board of Managers, Wednesday August 15, 2018 at 4:30 PM
4

5 Family Means, 1875 Northwestern Avenue south
6 Stillwater, MN 55082
7

8 **ROLL CALL**

Managers Present (both Special Meeting and Regular Meeting)::	Others Present (both Special Meeting and Regular Meeting):
Craig Leiser, President	Karen Kill, Administrator
Sharon Schwarze, Vice President	Carmen Simonet, Recorder
Gerald Johnson, Treasurer	Camilla Correll, EOR, BCWD engineer
Anne Maule Miller, Secretary	Cameron Blake, BCWD staff
Managers Absent:	Others Present (Regular Meeting Only):
Connie Taillon	Jared Fabian, EOR, BCWD engineer
	Ryan Fleming, EOR, BCWD engineer
	Michael Welch, Smith Partners, BCWD counsel
	Bob Appert, Farms of Grant
	Chris Helland, TKDA
	David Washburn, Farms of Grant
	Trent Mayberry, TOLD Development Company
	Neil and Kathy Hemen, BCWD residents
	Doug Brady, SCVRC
	Katherine Hayot, BCWD residents
	Dan Parks, Westwood Professional Services

- 9
10 **1) Call 2019 Budget Special Meeting to Order at 4:30 PM**
11 President Leiser called the special meeting together at 4:38 PM.
12
13 **a) Budget discussion**
14 Administrator Kill reviewed a list of potential activities for the managers to discuss
15 and determine whether to include in the 2019 budget. The list includes projects
16 identified in the 2017-2026 Brown's Creek Watershed Management Plan.
17
18
 - The Board is interested in pursuing a smart irrigation controller cost-share
19 program for groundwater conservation. Administrator Kill is meeting with

1 the Stillwater Water Board. President Leiser asked that she let them know
2 the idea was brought to BCWD's attention through the Washington County
3 Water Consortium.
4

- 5 • Rules guidance documents will be completed in 2018. The Board discussed
6 any additional steps for educating developers about District rules. President
7 Leiser will begin meeting one on one with city council members to build
8 relationships. Manager Maule Miller will work with Cameron Blake on a
9 spreadsheet of BCWD projects and the names of the developers to use as a
10 contact list.
11
- 12 • Administrator Kill provided follow-up information from Stu Grubb on the
13 groundwater monitoring wells and groundwater pump testing. The DNR is
14 not likely to help with installation but might possibly take over monitoring.
15 To not waste pump test water, it could be captured and used in golf course
16 irrigation. President Leiser suggested temporary signage to explain to the
17 public what's going on during the pumping.
18
- 19 • Administrator Kill reviewed items in the 2019 draft budget with assigned
20 funds that could be delayed to a future year and the funds reassigned to
21 other projects. The Board proposed to delay the Woodpile Lake
22 Management Plan Implementation, reducing the total from \$20,000 to
23 \$5,000.
24
- 25 • The Board instructed the administrator to pursue a matching grant for the
26 Brown's Creek - McKusick wetland outlet project and utilize the \$25,000
27 assigned to the activity toward the required 25% match.
28
- 29 • The Board is interested in learning more about what it would take to set up
30 a stormwater utility to construct a project or projects that would provide
31 regional stormwater volume control. President Leiser will draft a
32 stormwater utility action plan for future discussions with the City of
33 Stillwater and City of Oak Park Heights. The Board requested an
34 education session covering stormwater utilities.
35
- 36 • The decrease in the proposed budget by \$15,000 results in a 0.6% total
37 budget increase and an 8.6% levy increase from 2018. This results in a tax
38 burden increase of \$2.27 per \$100,000 taxable market value or \$7.95 per
39 \$350,000 home compared to 2018.
40

41 **b) Order Public Hearing for 2019 Budget at the Sept. Regular Meeting – Board**
42 **Action**

43 **Manager Schwarze moved, seconded by Manager Johnson, to authorize the**
44 **Administrator to issue notice of the public hearing for the 2019 proposed**
45 **budget to be held as part of the September 12, 2018 regular meeting. Motion**
46 **carried 4/0.**

1
2 **c) Set date, time and location for any additional discussion**

3 The managers determined an additional workshop session for budget discussion is
4 not needed.
5

6 **d) Adjourn Special Meeting**

7 **Manager Johnson moved, seconded by Manager Schwarze, to adjourn the**
8 **special meeting on budget at 6:10 PM. Motion carried 4/0.**
9

10
11 **2) Call Regular Meeting to Order @ 6:30 PM**

12 President Leiser called the Regular Meeting to order at 6:30PM.
13

14 **3) Approve Regular Meeting Agenda and Discussion Agenda**

15 **Manager Maule Miller moved, seconded by Manager Schwarze, to approve the**
16 **Regular Meeting agenda and discussion agenda as presented. Motion carried, vote**
17 **4/0.**
18

19 **4) Public Comments**

20 Katherine Hayot, BCWD resident asked about water being pumped between McKusick
21 Road and Macey Road that she saw occurring earlier today. BCWD will look into the
22 activity.
23

24 **5) Consent Agenda**

25 **Manager Schwarze moved, seconded by Manager Johnson, to approve the consent**
26 **agenda:**

- 27 • **Approve minutes from June 13, 2018 Regular Meeting as presented.**
- 28 • **Approve minutes from July 11, 2018 Regular Meeting as presented.**
- 29 • **Accept the permit fee statement as presented.**
- 30 • **Approve the McKusick Road stormwater quality education signage scope of**
31 **services not to exceed \$4,500 from account 910-0000 (Education and**
32 **Outreach fund).**
- 33 • **Approve the BCWD 110th Street conservation area signage scope of services**
34 **for perimeter signage not to exceed \$5,000 from account 910-0000 (Education**
35 **and Outreach fund) and approve the pass through allowance of \$2,920 for**
36 **the entrance/identification sign from account 910-0000 (Education and**
37 **Outreach).**
- 38 • **Approve the Settlers Glen Iron Enhanced Sand Filter Maintenance Scope not**
39 **to exceed \$9,765 from account 932-0004 (Iron Enhanced Sand Filter**
40 **Monitoring).**

41 **Motion carried, vote 4/0.**
42

43 **6) Permits**

44 **a) BCWD Permit 18-11 – Ridgecrest – Board Action**

45 Jared Fabian and Camilla Correll, EOR reported on the permit review for Ridgecrest
46 Oak Park Heights proposed commercial redevelopment located on 2.3 acres at the

1 intersection of Norell Avenue North and 60th Street North in Oak Park Heights. The
2 proposal includes the removal of the existing building and parking lot and the
3 construction of two new buildings and a parking lot. The stormwater management
4 plan includes underground storage, raingarden/tree trench basins, sump manholes and
5 storm sewer infrastructure. All stormwater discharges to city-owned storm sewer that
6 conveys runoff to a series of stormwater ponds, eventually discharging to Long Lake.
7 The applicant has cited limitations on infiltration capacity onsite as the basis for a
8 request for a variance from BCWD's volume-retention requirement. If the managers
9 grant the variance, the engineer recommends approval of the permit with conditions
10 as stated in the report.

11
12 Trent Mayberry, the developer of the project, said he believes the design is the best
13 possible solution with all the challenges of the site. The site is located within the
14 Emergency Response Area of the Drinking Water Supply Management Area
15 (DWSMA) and the state Construction Storm Water permit prohibits infiltration in
16 such areas. In addition, the City of Oak Park Heights has dedicated a portion of the
17 site for reconstruction of Norell Avenue and the Highway 36 frontage road.

18
19 Dan Parks, Westwood Professional Services, added details on the stormwater
20 management plan and alternative best management practices such as green roofs that
21 were studied but rejected for the site. He pointed out the plan meets and exceeds the
22 rules for water quality. The variance is requested from BCWD's volume-control
23 requirement due to the unique characteristics and constraints of the site. The
24 managers asked about the possibility of adding an iron-enhanced sand filter at the
25 downstream end of the stormwater practices to further reduce offsite phosphorus
26 loading. Mr. Parks indicated the vault is too low for a sand filter and suggested that a
27 sand filter could adversely affect the growth of the trees in that area.

28
29 Michael Welch, Smith Partners, noted the conflict between the stormwater-retention
30 requirement in BCWD's stormwater rule and the prohibition in the state general
31 permit on infiltration in certain conditions will be a recurring theme within this area.
32 The Board agreed and asked staff to develop a process to address these projects.
33 **Manager Johnson moved, seconded by Manager Schwarze, to approve the**
34 **application and grant the variance for permit 18-11 Ridgecrest with the**
35 **recommended conditions and stipulations outlined in the engineer's report.**
36 **Motion carried, vote 4/0.**

37
38 **b) BCWD Permit 18-14 St. Croix Valley Recreation Center Expansion – Board**
39 **Action**

40 Camilla Correll, EOR reported on the permit review for the St. Croix Valley
41 Recreation Center's proposed expansion of their sports dome on Market Street in
42 Stillwater. The applicant is the City of Stillwater and they are proposing an
43 underground storage tank to collect water to irrigate the green space on the northwest
44 corner of the site to meet the rate, volume, and water quality requirements of the area
45 disturbed by construction. The engineer recommends approval of the permit with
46 conditions. The managers expressed their support for the water-reuse project.

1 **Manager Schwarze moved, seconded by Manager Johnson, to approve the**
2 **application for permit 18-14 St. Croix Valley Recreation Center Expansion, with**
3 **the recommended conditions and stipulations outlined in the engineer's report.**
4 **Motion carried, vote 4/0.**
5

6 c) **BCWD Permit 18-16 Marylane Drainage Improvement – Board Action**

7 Camilla Correll, EOR reported on the permit review for Marylane Drainage
8 Improvement, which will mitigate high water levels in the residential area east of
9 Marylane Avenue and southwest of the houses on Monterey Court. The applicant is
10 the City of Stillwater. The engineer recommends approval with conditions.
11

12 Chris Helland, TKDA, is a water resource engineer and the project representative. He
13 stated that he read the engineer's review and has no concerns with the recommended
14 conditions.
15

16 Members of the audience had questions about the project:

- 17 • A resident asked if the manage 2 wetland would experience flooding due to
18 the proposed pipe delivering water directly to the wetland. The district
19 engineer said this project is not adding more water to the system than is
20 contributed under existing conditions. The addition of the second culvert
21 should also help to alleviate flooding. Mr. Helland also reported the
22 feasibility study found poor soils under the current flow path between
23 Marylane Avenue North and the manage 2 wetland, and the city's engineers
24 assumed no infiltration was occurring in their calculations.
25
- 26 • A resident asked if the large pond on the Rutherford site shown on the map
27 actually exists. The district engineer said the large pond does exist and is a
28 temporary holding pond being used during construction. When the Rutherford
29 development is complete the temporary pond will be removed and multiple
30 infiltrations ponds throughout the development will be in place to manage
31 stormwater.
32
- 33 • A resident asked about the extent of tree removal needed to install the pipe.
34 Mr. Helland said the layout of the pipe has been designed to try to avoid
35 taking out trees of significance.
36

37 **Manager Maule Miller moved, seconded by Manager Johnson, to approve the**
38 **application for permit 18-16 Marylane Drainage Improvement with the**
39 **recommended conditions and stipulations outlined in the engineer's report.**
40 **Motion carried, vote 4/0.**
41

42 d) **BCWD Permit 17-01 Farms of Grant – Request for Reduction in Financial**
43 **Assurances – Board Action**

44 Jared Fabian, EOR reported the permit applicant for Farms of Grants is requesting a
45 reduction in the financial assurance for completed work items. The applicant has
46 provided information on the completed work items for consideration. The engineer

1 does not recommend reduction of the financial assurance until there is an as-built
2 survey verifying that the installed work items conform to the approved construction
3 plans in accordance with the terms of approval and stipulations in the engineer's
4 report dated August 9, 2017.
5

6 Bob Appert and David Washburn, developers of the project, were in attendance. Mr.
7 Appert said he has the required as-built information and just sent it to EOR, and he
8 will also have the required granular material tests sent over shortly. He asked the
9 managers to consider giving conditional approval and authorize the administrator to
10 release funds once EOR reviews and approves the required materials. His concern is
11 waiting an additional month will delay his ability to have funds released from his
12 bank, which he needs to pay his contractors.

13 **Manager Leiser moved, seconded by Manager Johnson, to authorize the**
14 **administrator to approve a financial assurance reduction of \$80,450 for**
15 **stormwater management and \$6,000 for final turf establishment contingent on**
16 **the District engineer's approval of the necessary documentation outlined in the**
17 **memo to the Board dated August 13, 2018. Motion carried, vote 4/0.**
18

19 Michael Welch, Smith Partners, BCWD legal counsel reported the declaration for
20 Farms of Grant has not been recorded and said that discussion is ongoing between
21 BCWD counsel and the developer's lawyer regarding how to properly correct the
22 recordation, in which the declaration was filed without attachments. President Leiser
23 told the developer not to expect any further reductions in financial assurances until
24 this matter is corrected. Mr. Appert said he understood.
25

26 Meeting recess 8:20-8:26pm
27

28 **7) Treasurer's Report**

29 **a) Review Authorized Funds Spreadsheet**

30 Administrator Kill presented the authorized funds spreadsheet.

31 **Manager Johnson moved, seconded by Manager Schwarze, to approve the**
32 **authorized funds spreadsheet as presented. Motion carried, vote 4/0.**
33

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

35 **Manager Johnson moved, seconded by Manager Maule Miller, to approve**
36 **payment of bills as presented in the amount of \$105,284.87.**
37

	Yea	Nay	Abstain	Absent
<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>			
<u>Manager Taillon</u>				<u>X</u>
<u>Motion carried 4/0.</u>				

44 Treasurer Johnson reported a total balance of \$800,642.81 after payables.
45
46

1 **8) Projects**

2 a) **Order Public Hearing Brown's Creek Riparian Shading Projects – Board Action**
3 **Manager Maule Miller moved, seconded by Manager Johnson, to authorize the**
4 **Administrator to give issue notice of the public hearing for the proposed**
5 **Brown's Creek Riparian Shading Projects as part of the September 12, 2018**
6 **regular meeting. Motion carried 4/0.**

7
8 b) **Stillwater Country Club Reuse Concept – Board Action**

9 Karen Kill, Administrator reported on her meeting with representatives of the
10 Stillwater Country Club. The purpose was to explore options for rainwater harvesting
11 and stormwater reuse. One of the outcomes of the meeting was identifying the next
12 steps to develop a reuse plan, including soil investigation in potential ponding areas
13 and to develop a water budget model for alternative layouts.

14 **Manager Maule Miller moved, seconded by Manager Schwarze, to transfer**
15 **\$4,900 from account 300-4950 (Management Plan Implementation**
16 **miscellaneous) to account 940-0000 (Community Demonstration BMP Projects)**
17 **and to authorize expenditure not to exceed \$4,900 from account 940-0000**
18 **(Community Demonstration BMP Projects) to perform task one of the scope of**
19 **services: preliminary geotechnical investigation. Motion carried 4/0.**
20

21 **9) New Business**

22 a) **EMWREP Agreement 2019-2021 – Board Action**

23 **Manager Schwarze, seconded by Manager Maule Miller, to approve the 2019-**
24 **2021 East Metro Water Resource Education Program agreement not to exceed**
25 **\$19,300 per year from account 300-4810. Motion carried 4/0.**
26

27 b) **MAWD 2018 Awards**

28 The managers discussed potential projects to submit for the Minnesota Association of
29 Watershed Districts' 2018 awards program and identified the McKusick Road
30 collaborative project as an outstanding project to submit.
31

32 c) **Clean Water Fund Competitive Grants 2019**

33 The Board is interested in pursuing a Clean Water Fund grant for the McKusick Lake
34 assessment project.
35

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

37 a) **Administrator Updates**

38 Administrator Kill reported on current BCWD activities.
39

40 b) **Communications & Manager Reports**

41 Manager Maule Miller reported on the Minneapolis St. Paul Airport tour she
42 attended.
43

44 President Leiser reported on a turfgrass education session he attended.
45

46 c) **September 2018 Regular BCWD Board Agenda**

1 No items were suggested.

2

3 **11) Adjournment**

4 **Manager Maule miller moved, seconded by Manager Johnson, to adjourn the**
5 **Regular Meeting at 9:15PM. Motion carried, vote 4/0.**

6

7 Respectfully Submitted by

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

9