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2 APPROVED Minutes of the Regular Meeting of the Brown's Creek Watershed District Board of
3 Managers, Wednesday, September 9, 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

Managers Present:	Others Present:
Craig Leiser, President	Karen Kill, Administrator
Sharon Schwarze, 2 nd Vice President	Carmen Simonet, Recorder
Gerald Johnson, Treasurer	Michael Welch, Smith Partners, BCWD counsel
Charles LeRoux, Secretary	Camilla Correll, EOR, BCWD engineer
	Cameron Blake, BCWD staff
	Paul Fritton, EOR, BCWD engineer
Managers Absent:	Kevin Biehn, EOR, BCWD engineer
Klayton Eckles, 1 st Vice President	Emily Johnson, EOR BCWD engineer
	Nathan Arnold, Washington County Public Works
	Steve Wicker, resident
	Sapryna Balstad, resident
	Ryan Smith, resident
	Sarah Thompson, resident
	Nancy Dey, resident
	Kevin Schaeckel, resident

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12 1) **Call Regular Meeting to Order @ 6:30PM**
13 President Leiser called the Regular Meeting to order at 6:31 PM.
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- 1 2) **Approve Regular Meeting Agenda and Discussion Agenda**
 2 **Manager LeRoux moved, seconded by Manager Johnson, to approve the Regular**
 3 **Meeting agenda and discussion agenda as presented.**

	Yea	Nay	Abstain	Absent
Manager Eckles				X
Manager Johnson	X			
Manager Leiser	X			
Manager LeRoux	X			
Manager Schwarze	X			

4 **Motion carried 4/0.**

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12 3) **Public Comments**

13 Ryan Smith, a resident of Stillwater expressed concern over the amount of tree removal
 14 occurring in the pond buffer of the Heifort Hills development, BCWD permit 16-03.
 15 Administrator Kill acknowledged concerns over the loss of tree canopy and noted the
 16 trees being removed are black locust, an invasive species. Ms. Kill has been in contact
 17 with the city, and the homeowner’s association and developer are working on a tree
 18 replacement plan. President Leiser noted the need for BCWD to develop webinars on
 19 buffers and invasive species.
 20

- 21 4) **Consent Agenda**

22 **Manager Schwarze moved, seconded by Manager Johnson, to approve the consent**
 23 **agenda:**

- 24 • **Approve minutes from August 12, 2020 Regular Meeting as presented.**
- 25 • **Accept the permit fee statement as presented.**

	Yea	Nay	Abstain	Absent
Manager Eckles				X
Manager Johnson	X			
Manager Leiser	X			
Manager LeRoux	X			
Manager Schwarze	X			

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27 **Motion carried 4/0**

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34 5) **Treasurer’s Report**

- 35 a) **Review Authorized Funds Spreadsheet**

36 Administrator Kill presented the authorized funds spreadsheet.

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

	Yea	Nay	Abstain	Absent
Manager Eckles				X
Manager Johnson	X			
Manager Leiser	X			
Manager LeRoux	X			
Manager Schwarze	X			

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44 **Motion carried 4/0.**
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2 **b) Current Items Payable – Board Action**

3 **Manager Johnson moved, seconded by Manager LeRoux, to approve payment of**
4 **bills as presented in the amount of \$80,956.54**

	Yea	Nay	Abstain	Absent
5 <u>Manager Eckles</u>				<u>X</u>
6 <u>Manager Johnson</u>	<u>X</u>			
7 <u>Manager Leiser</u>	<u>X</u>			
8 <u>Manager LeRoux</u>	<u>X</u>			
9 <u>Manager Schwarze</u>	<u>X</u>			
10 <u>Motion carried 4/0.</u>				

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13 Treasurer Johnson reported a total balance of \$1,163,230.67 after payables.

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15 **6) Permits**

16 **a) BCWD Permit 18-02 Heifort Estates – Buffer Restoration Plan Update**

17 Administrator Kill reported on the status of the buffer restoration at Heifort Estates,
18 noting that the developer is working toward compliance. BCWD has received proof
19 that the buffer-maintenance requirements have been recorded on the title, and the
20 woodpile and mulch in the buffer have been removed. The sediment delta in the
21 buffer has not yet been removed. The developer has submitted a plan for reseeding
22 and planting, and a partial timeline for project completion. Ms. Kill will post the
23 approved plan on the BCWD website.

24
25 **b) BCWD Permit 20-08 CSAH 15/TH 36 Interchange - -VBWD-BCWD Joint**
26 **Powers Agreement – Board Action**

27 Administrator Kill explained the purpose for the joint powers agreement is to
28 simplify and make the permitting process more efficient for the proposed highway
29 interchange project. The land disturbances for the project are mostly in BCWD but a
30 small portion is in Valley Branch Watershed District. Under the agreement, Valley
31 Branch waives regulatory jurisdiction for the project to BCWD.

32 **Manager Leiser moved, seconded by Manager Johnson, to approve joint**
33 **powers agreement.**

	Yea	Nay	Abstain	Absent
34 <u>Manager Eckles</u>				<u>X</u>
35 <u>Manager Johnson</u>	<u>X</u>			
36 <u>Manager Leiser</u>	<u>X</u>			
37 <u>Manager LeRoux</u>	<u>X</u>			
38 <u>Manager Schwarze</u>	<u>X</u>			
39 <u>Motion carried 4/0.</u>				

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42 **7) Projects**

43 **a) Oak Glen Golf Course Reuse – Agreement with Oak Glen Golf Course – Board**
44 **Action**

45 President Leiser asked if there were any questions regarding the agreement that was
46 provided to the managers for review. Administrator Kill noted BCWD is funding the

1 project with a \$360,100 Clean Water Fund grant from the Minnesota Board of Water
 2 & Soil Resources. The agreement is similar to the one developed for the water-reuse
 3 project at Applewood Hills Golf Course. BCWD will secure the annual
 4 appropriations permit from the Minnesota Department of Natural Resources for the
 5 right to use water from the wetland.

6 **Manager Schwarze moved, seconded by Manager Leiser, to authorize**
 7 **Administrator Kill with advice of legal counsel to finalize the agreement with**
 8 **Oak Glen Golf Course on behalf of Brown’s Creek Watershed District.**

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

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 17 **b) Kimbro Ave/CR 12 Flooding analysis – Update**

18 Karen Kill reported she has acquired the permit to install piezometers in county
 19 right-of-way and has met with the city and county engineers. The county expects the
 20 lifespan for the temporary elevation of County Road 12 to last about 5 years. The
 21 city of Grant is also interested in temporarily raising Kimbro Road. BCWD
 22 continues to work with the adjacent landowners. Camilla Correll, EOR noted the
 23 piezometers will be installed September 21st and EOR will have very preliminary
 24 soil information from the piezometers at the next meeting.

25
 26 **c) Long Lake Flood Vulnerability Analysis scope – Board Action**

27 Camilla Correll, EOR reported on a scope of services to evaluate the properties at
 28 risk of flooding on Long Lake. In 2019 BCWD updated the 100-year high water
 29 levels for waterbodies in the watershed and 10 or more homes now appear to be in
 30 the Long Lake floodplain. Ms. Kill added a total of 32 homes will be surveyed to
 31 confirm their elevations. Manager LeRoux expressed his support for the evaluation,
 32 noting good data are needed for making decisions.

33 **Manager Johnson moved, seconded by Manager Schwarze, to authorize**
 34 **expenditure not to exceed \$6,829 from account 923-0002 (Flood Risk**
 35 **Assessment) for the tasks associated with the evaluation of properties at-risk of**
 36 **flooding on Long Lake; and to transfer \$6,829 from the Contingency Reserve**
 37 **into account 923-0002 (Flood Risk Assessment).**

	Yea	Nay	Abstain	Absent
38 <u>Manager Eckles</u>				<u>X</u>
39 <u>Manager Johnson</u>	<u>X</u>			
40 <u>Manager Leiser</u>	<u>X</u>			
41 <u>Manager LeRoux</u>	<u>X</u>			
42 <u>Manager Schwarze</u>	<u>X</u>			
43 <u>Motion carried 4/0.</u>				

1 **d) Climate Change Vulnerability Assessment Partnership Scope – Board Action**

2 Administrator Kill reported Comfort Lake Forest Lake Watershed District and
 3 Carnelian Marine Watershed District are both in the process of updating their 10-
 4 year plans and are interested in moving forward with a climate vulnerability
 5 assessment with an actionable plan. It creates an opportunity for BCWD to partner
 6 and pool resources to develop a regional response to climate resiliency. Middle St.
 7 Croix Watershed Management Organization will also be contacted and may be
 8 another partner.
 9

10 Ms. Correll noted there are no standards on how to conduct a vulnerability
 11 assessment. The proposed approach is to be inclusive and focus on a floodplain
 12 vulnerability assessment to use in making management decisions at all levels
 13 (city/township, watershed, county). The scope includes a virtual workshop in the fall
 14 of 2020 with Freshwater Society facilitating, participants would include the partners
 15 as well as experts from state agencies to help figure out what assessments should be
 16 done. The costs will be divided among the partnering watersheds.
 17

18 Manager Schwarze asked if Washington County Water Consortium was also looking
 19 into this. Ms. Kill said there have been a number of different efforts including ones
 20 by the Metropolitan Council and South Washington Watershed District and does not
 21 know whether the consortium is considering an assessment.

22 **Manager Leiser moved, seconded by Manager Johnson, to authorize**
 23 **expenditure not to exceed \$6,500 from account 923-0002 (Flood Risk**
 24 **Assessment) and to initiate the discussions with the other partners; and to**
 25 **transfer \$6,500 from the Contingency Reserve into account 923-0003 (Flood**
 26 **Risk Assessment).**

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

34
 35 **e) Mendel Wetland Survey Scope – Board Action**

36 Karen Kill provided background information on Mendel wetland. In 2010 BCWD
 37 spoke with some of the adjacent landowners about possibly restoring the wetland.
 38 Years ago it was ditched, draining it directly to Brown’s Creek, and it contains a
 39 tamarack stand. There was some interest but others never responded. Having
 40 answers to questions the neighbors would likely have about the wetland and how it
 41 would change if restored would be the next step to gain their support in restoring the
 42 wetland.
 43

44 Ms. Kill also had a meeting with staff from the Washington Conservation District
 45 about the potential for wetland banking opportunities in the county. Currently none

1 exist and the idea of funding restoration work of the Mendel wetland with wetland
 2 bank credits was discussed.

3
 4 Kevin Biehn, EOR presented a scope of services for investigation into restoring the
 5 wetland including survey of critical elevations, evaluate the drainage of ditch
 6 system, and model current and restored wetland hydrology conditions. Additional
 7 proposed services include a floristic survey and 2020 groundwater/surface water
 8 monitoring. Both activities are intended to help in evaluation of drainage impacts
 9 and potential for wetland banking.

10
 11 The managers and staff discussed the scope and wetland banking. Mr. Welch noted
 12 that the prospect of banking wetland credits with the Board of Water & Soil
 13 Resources raises policy issues, notably including whether BCWD wants to be in the
 14 business of creating wetland bank credits that can be used to offset wetland draining
 15 and filling. In response to a question from Mr. Welch, Mr. Biehn noted the presently
 16 proposed scope would not be different if banking were not being pursued. Both a
 17 spring and fall vegetation survey would be needed either way.

18 **Manager LeRoux moved, seconded by Manager Johnson, to approve phase 1**
 19 **and 2 and the floristic survey and to authorize expenditure not to exceed \$9020**
 20 **from account 935-0000 (Land Conservation Program).**

	Yea	Nav	Abstain	Absent
<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>			
<u>Motion carried 4/0.</u>				

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 29 **8) 2021 Budget**

30 **a) Public Hearing**

31 President Leiser closed the regular meeting and opened a public hearing for the 2021
 32 budget and levy at 8:05pm. The public hearing was recorded.

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 34 **b) Budget Discussion**

35 Administrator Kill gave an overview of the proposed budget and levy. President
 36 Leiser asked the public if there were any comments. Hearing no questions or
 37 comments, President Leiser declared the public hearing closed at 8:10 pm and called
 38 the regular meeting back to order.

39
 40 **c) Resolution 20-03 2021 Budget – Board Action**

41 **Manager Johnson moved, seconded by Manager Schwarze, to adopt resolution**
 42 **20-03 Brown’s Creek Watershed District Board of Managers 2021 Budget**
 43 **Resolution with an operating and capital budget totaling \$1,996,890, including**
 44 **\$1,799,990 for the management plan implementation and \$196,900 for**
 45 **operations.**

	Yea	Nav	Abstain	Absent
<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>			
<u>Motion carried 4/0.</u>				

d) **Resolution 20-04 2021 Levy – Board Action**

Manager Schwarze moved, seconded by Manager Johnson, to adopt resolution 20-04 Brown’s Creek Watershed District Board of Managers Certified 2021 Tax Levy Resolution: All Funds totaling \$1,129,390 including \$171,900 for the general fund as provided by MN Statute 103D.905 and \$957,490 for the management planning fund as provided by the MN Statute 103B.241.

	Yea	Nav	Abstain	Absent
<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>			
<u>Motion carried 4/0.</u>				

President Leiser reported he plans to attend the county board meeting for the 2021 proposed budget presentation. The meeting is online, October 20th at 10am and asked the other managers to attend if available.

Administrator Kill noted the public will have another opportunity to comment on the BCWD budget and levy at the December meeting.

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

a) **Administrator Updates**

Administrator Kill gave updates, including information on permits and noted the complete permit update prepared by Paul Fritton, EOR is in the Board packet.

A tentative meeting was scheduled for September 23rd, 6:30pm for a compliance hearing for the Heifort pond buffer.

Ms. Kill noted BCWD received two awards for water quality improvement. Both were prepared and submitted by Brett Emmons. One is from the Water Environment Federation and the other is from the American Water Resources Association.

b) **Communications & Manager Reports**

No additional reports were made.

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

No items were suggested.

1 **10) Adjournment**
2 **Manager Johnson moved, seconded by Manager Schwarze, to adjourn the Regular**
3 **Meeting at 8:35PM.**

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

11
12 Respectfully Submitted by
13 Carmen Simonet, Recorder and Charles LeRoux, Recording Secretary