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2 Approved Minutes of the Regular Meeting of the Brown's Creek Watershed District Board of
3 Managers, Wednesday October 9, 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	Michael Welch, Smith Partners, BCWD counsel
Anne Maule Miller, Secretary	Cameron Blake, BCWD staff
Klayton Eckles, 2 nd Vice President	Camilla Correll, EOR, BCWD engineer
	Paul Fritton, EOR, BCWD engineer
	Greg Johnson, MPCA
	Nathan Arnold, Washington County Public Works
	Maureen Hoffman, Washington County Public Health and Environment
	Carly Johnson, City of Oak Park Heights
	Mark Lambert, Summit Management
	Amanda Johnson, Summit Management

- 9
10 **1) Call Regular Meeting to Order @ 6:30 PM**
11 President Leiser called the Regular Meeting to order at 6:30PM.
12
13 **2) Approve Regular Meeting Agenda and Discussion Agenda**
14 Item 6a BCWD Permit 18-04 Boutwell Farms was removed from the agenda, and 7b2
15 Regional Rate Control Scope was changed from a Board action to a discussion item.
16 **Manager Johnson moved, seconded by Manager Schwarze, to approve the Regular**
17 **Meeting agenda and discussion agenda as amended. Motion carried, vote 5/0.**
18
19 **3) Public Comments**
20 There were no public comments.
21
22 **4) Consent Agenda**
23 Item 4a approve Board meeting minutes was removed from the consent agenda and
24 placed under the regular agenda as item 7c.

Manager Schwarze moved, seconded by Manager Maule Miller, to approve the consent agenda as amended:

- **Accept the permit fee statement as presented.**
- **Authorize administrator and staff registration and expenses for Annual MAWD Conference.**
- **Authorize manager per diem, registration, and expenses for Annual MAWD Conference.**

Motion carried, vote 5/0.

5) Treasurer’s Report

a) Review Authorized Funds Spreadsheet

Administrator Kill presented the authorized funds spreadsheet.

Manager Schwarze moved, seconded by Manager Johnson, to approve the authorized funds spreadsheet as presented. Motion carried, vote 5/0.

b) Current Items Payable – Board Action

Manager Johnson moved, seconded by Manager Schwarze, to approve payment of bills as presented in the amount of \$60,047.82.

	<u>Yea</u>	<u>Nav</u>	<u>Abstain</u>	<u>Absent60,</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>			

Motion carried 5/0.

Treasurer Johnson reported a total balance of \$1,419,746.04 after payables.

7) Projects

a) 319 Small Watershed Grant Update – Greg Johnson, MPCA

Greg Johnson, Minnesota Pollution Control Agency (MPCA) gave an overview of the MPCA Section 319 Small Watersheds Focus Program. Section 319 is a federal grant program of the Environmental Protection Agency (EPA) that provides funds to states for watershed level projects addressing nonpoint source water pollution. MPCA’s goal with the program is developing a sustained effort to achieve water quality that is measurable. BCWD has been selected for the second round of the Section 319 Small Watersheds Focus Program. The funding would be approximately 4 four-year grant cycles of \$250,000 (approximately \$1 million over 16 years).

The next steps include MPCA developing a work plan in partnership with BCWD in 2020, then submitting the proposal to EPA for approval. Funds for the project can be expected about one year from the time EPA approves the work plan, likely October-December 2021.

1 Manager Eckles asked whether the EPA might reject the BCWD work plan. Mr.
2 Johnson noted the project needs to address nonpoint source pollution and have the
3 appropriate detail for the review, and did not think there should be any concern.
4

5 **b) Rule Revision – Community Meeting #3 Update and Discussion**

6 Michael Welch, Smith Partners gave an overview on the general framework and
7 process BCWD has been working through to revise its rules over the last eight
8 months. He reiterated that BCWD can revise its rules, then continue to implement its
9 rules. BCWD also can enter into an agreement with a city to implement permitting if
10 BCWD finds that the city implements ordinances that provide water-resource
11 protection and flood-risk mitigation that are equal or better that is provided under the
12 BCWD rules. If the protection is not equivalent or better, either the city or BCWD
13 needs to revise its regulatory program before an agreement can be negotiated whereby
14 one or the other serves as the sole permitting entity.
15

16 **(1) Community Meeting #4 Update and Discussion**

17 Administrator Kill reported on the most recent meeting BCWD had with the City of
18 Stillwater, City of Oak Park Heights and the adjacent watersheds. BCWD has already
19 determined that because each of the cities has adopted the Minimal Impact Design
20 Standards, its volume control and water quality rules provide comparable resource
21 protection to the BCWD rules in the diversion drainage area limitations on infiltration
22 in the subwatershed. BCWD has found that the cities' rate-control requirements are
23 not comparable to the BCWD rate control standard. The Board had previously
24 directed staff to discuss a change from a pre-settlement rate-control standard to
25 predevelopment standard, along with a fee-in-lieu option. The cities are not willing to
26 implement a fee-in-lieu system on behalf of BCWD. City staff indicated they would
27 only be willing to enter into an agreement to take on permitting if the BCWD
28 changed its rate control standard to one that required a property owner to maintain
29 rate of runoff to that of existing conditions, consistent with city rate-control
30 requirements.
31

32 Administrator Kill requested that the Board consider changing its rate-control
33 standard to match existing rates and consider achieving additional rate control
34 through regional treatment.
35

36 The Board discussed the benefits of revising the rules to be consistent with the cities
37 of Oak Park Heights and Stillwater within the diversion drainage area, as well as the
38 benefits of having the cities implement regulatory controls through an agreement with
39 BCWD. The Board discussed the benefits of targeted regional treatment and possible
40 funding mechanisms for regional treatment, and they requested further information on
41 options at the next board meeting.
42

43 Camilla Correll, EOR raised a concern with an existing rate control standard due to
44 possible flooding impacts and suggested that this should be assessed. Manager Eckles
45 noted the importance of an assessment, but he believes it is the cities' responsibility
46 to protect their infrastructure and do their own assessment.

1
2 **Manager Eckles moved, Manager Maule Miller seconded, to direct staff to**
3 **develop language to revise the rate control standard to no increase in rate from**
4 **existing conditions in the diversion drainage area, present options for**
5 **incorporating MIDs-based volume and water-quality standards into the BCWD**
6 **rules for the diversion drainage area, review the trigger for linear projects for**
7 **consistency with cities' and adjacent watersheds', and identify funding options**
8 **for regional treatment for rate for discussion at the November meeting. Motion**
9 **carried, 5/0.**

10
11 The Board discussed holding a stakeholder meeting in early December to get input
12 from stakeholders prior to the official rule making process.

13
14 **(2) Rate Control Draft Language**

15 Administrator Kill reported that following the last meeting with the communities,
16 the draft language developed for a fee-in-lieu option for rate control is not needed.

17
18 **(3) Regional Rate Control Scope – Discussion**

19 This scope will be brought to the November 2019 regular Board meeting.

20
21 **(4) Adjacent Watershed Meeting Update – buffers and bounce/inundation**

22 Staff will continue discussions with adjacent watersheds to improve rule
23 consistency.

24
25 Recess 8:05pm – 8:14pm

26
27 **c) Approve September 11, 2019 Regular Meeting Minutes – Board Action**

28 The managers reviewed the regular meeting minutes.

29 **Manager Eckles moved, seconded by Manager Johnson, to approve the regular**
30 **meeting minutes as presented. Motion carried, vote 5/0.**

31
32 **d) Long Lake Buckthorn Removal Event – October 12th 10am-2pm – update from**
33 **Cameron Blake**

34 Cameron Blake, BCWD staff reported buckthorn removal is planned for Saturday
35 along the walking trail on the southwest side of Long Lake. President Leiser
36 suggested rescheduling the event if the weather turns out cold and rainy.

37
38 **8) Brown's Creek Watershed District 2016-2026 Watershed Management Plan –**
39 **minor plan amendment**

40 **a) Public Hearing**

41 President Leiser recessed the regular meeting at 8:19 pm and opened a public hearing
42 for the 2016-2026 Watershed Management Plan minor plan amendment. The hearing
43 was recorded.

44
45
46

1 **b) Response to comments**

2 Administrator Kill reported BCWD is proposing to amend the plan to include
 3 stormwater-reuse and headcut-repair projects. The plan amendment was sent
 4 September 5, 2019, for review and comment to the state Board of Water and Soil
 5 Resources; the state-agency plan-review authorities; the watershed cities and towns,
 6 the adjacent watershed management organizations and Washington County, noting
 7 that BCWD intended to follow the minor plan-amendment process. BCWD received
 8 responses from the Board of Water and Soil Resources (which did not disagree with
 9 BCWD’s following the minor plan-amendment process), Minnesota Department of
 10 Agriculture and Minnesota Department of Natural Resources with no comments,
 11 while the Metropolitan Council submitted the plan amendment is consistent with the
 12 council’s Water Resources Management Policy Plan and Washington County urged
 13 BCWD to continue to collaborate closely with and utilize current information
 14 provided by project partners for the Long Lake Regional Treatment facility. BCWD
 15 determined that comments received would usefully guide the project-development
 16 process, but did not warrant revision of the amendment as proposed.

17
 18 No public comments were received.

19
 20 President Leiser declared the public hearing closed at 8:25pm and called the regular
 21 meeting back to order.

22
 23 **c) Resolution 19-07 Adopting Minor Plan Amendment – Board Action**
 24 **Manager Schwarze moved, seconded by Manager Maule Miller, to adopt**
 25 **resolution 19-07 Adopting an amendment to the 2017-2026 Watershed**
 26 **Management Plan to add stormwater-reuse and tributary headcut repair**
 27 **projects to the capital improvements program as amended.**

	<u>Yea</u>	<u>Nay</u>	<u>Abstain</u>	<u>Absent</u>
28 <u>Manager Eckles</u>	<u>X</u>			
29 <u>Manager Johnson</u>	<u>X</u>			
30 <u>Manager Leiser</u>	<u>X</u>			
31 <u>Manager Maule Miller</u>	<u>X</u>			
32 <u>Manager Schwarze</u>	<u>X</u>			
33 <u>Motion carried, 5/0.</u>				

34
 35
 36 The managers directed the administrator to add a public hearing to the November
 37 meeting in order to move forward with the Oak Glen reuse project.

38
 39 **9) Discussion Agenda – No Action Required**

40 **a) Administrator Updates**

41 **Engineering Services**

42 Administrator Kill reported in January 2019, the managers selected Emmons and
 43 Olivier Resources for a one-year term as BCWD engineer to provide time to
 44 evaluate options for engineering services. The contract is set to expire in February
 45 2020.

1 **Manager Schwarze moved, Manager Eckles seconded, to add the item**
2 **Extend EOR contract from Feb 2020 to Feb 2021 to the November 2019**
3 **agenda. Motion carried 5/0.**
4

5 **b) Communications & Manager Reports**

6 President Leiser updates:

- 7 • The Freshwater Society has a road salt symposium on October 24th and asked
8 the managers to consider attending.
9 • The Minnesota Association of Watershed Districts annual meeting is
10 December 5 – 7th. Managers Leiser, Johnson, and Maule Miller plan on
11 attending. Manager Leiser and manager Maule Miller will be delegates and
12 manager Johnson will be an alternate.
13 • The Lower St. Croix One Watershed One Plan Policy Committee meeting was
14 held and those meeting materials will be circulated to the full Board by the
15 administrator.
16

17 Manager Maule Miller reported the Legislative Water Commission is now called
18 Subcommittee on Minnesota Water Policy and noted items of possible interest to the
19 managers that are on the agenda for the next meeting.
20

21 Manager Eckles reported on a meeting he attended about the standards the MN
22 Department of Public Health is developing for water reuse.
23

24 **c) November 2019 Regular BCWD Board Agenda**

25 No additional items were suggested.
26

27 **9) Adjournment**

28 **Manager Johnson moved, seconded by Manager Maule Miller, to adjourn the**
29 **Regular Meeting at 8:56PM. Motion carried, vote 5/0.**
30

31 Respectfully Submitted by

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