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2 Approved Minutes of the Regular Meeting of the Brown's Creek Watershed District Board of  
3 Managers, Wednesday October 10, 2018 at 6:30 PM

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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	Camilla Correll, EOR, BCWD engineer
Klayton Eckles	Cameron Blake, BCWD staff
	Ryan Fleming, EOR, BCWD engineer
	Brett Emmons, EOR, BCWD engineer
	Kevin Biehn, BCWD engineer
	Emily Johnson, EOR, BCWD engineer
	Vicki VanDell, Loucks
	Kirk Schultz, Madison Hospitality Group, LLC
	Doug Brady, St. Croix Valley Rec Center
	Mike Polehna, City of Stillwater
	Don Rolf, HDR
	Mike Liljegren, City of Oak Park Heights
	Eric Johnson, City of Oak Park Heights
	Mike Runk, City of Oak Park Heights
	Shawn Sanders, City of Stillwater
	Bob Appert, Farms of Grant (arrived 7:15 pm)

- 9  
10 **1) Call Regular Meeting to Order @ 6:30 PM**  
11 President Leiser called the Regular Meeting to order at 6:30 PM.  
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13 **2) Approve Regular Meeting Agenda and Discussion Agenda**  
14 **Manager Maule Miller moved, seconded by Manager Schwarze, to approve the**  
15 **Regular Meeting agenda and discussion agenda as presented. Motion carried, vote**  
16 **4/0.**  
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1 **3) Oath of Office – Klayton Eckles**

2 Michael Welch, Smith Partners administered the oath of office to Klayton Eckles.

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4 **4) Public Comments**

5 There were no public comments.

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7 **5) Consent Agenda**

8 **Manager Johnson moved, seconded by Manager Schwarze, to approve the consent**  
9 **agenda:**

- 10 • **Approve minutes of August 15, 2018 Special and Regular Meeting.**  
11 • **Approve minutes of September 12, 2018 Regular Meeting.**  
12 • **Accept the permit fee statements.**  
13 • **Approve per diem, expenses and mileage for Managers from account 200-**  
14 **4000 (Manager Per Diem and Expense) for the MAWD Annual Meeting**  
15 **November 29-December 1, 2018.**  
16 • **Approve attendance and expenses for Administrator from account 200-4265**  
17 **(Admin Conference Registrations) for the MAWD Annual Meeting**  
18 **November 29-December 1, 2018.**

19 **Motion carried, vote 5/0.**

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21 **6) Permits**

22 **a) BCWD Permit 18-08 Holiday Inn Express – Board Action**

23 Camilla Correll, EOR reported on the permit review for the proposed Holiday Inn  
24 Express & Suites development in the City of Oak Park Heights. The stormwater plan  
25 includes utilizing an existing infiltration basin partially located on the site, sump  
26 manholes, and storm sewer infrastructure. Approximately 2/3 of the site drains to the  
27 existing infiltration basin which flows to Long Lake. The remaining 1/3 of the  
28 property drains south to the Kern Center Pond. The engineer recommends approval  
29 with the conditions outlined in the engineer's report.

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31 President Leiser asked for questions and comments:

- 32 • Manager Eckles asked about ownership of the pond. The engineer noted that  
33 30% of the pond is on the applicant's property. The plan utilizes 30% of the  
34 pond.  
35 • Manager Maule Miller asked if a maintenance agreement is required and the  
36 administrator noted that submission of a maintenance declaration for approval,  
37 then recording is a condition of the permit.  
38 • Regarding the recommended condition requiring submission of soil boring  
39 data to confirm infiltration capacity of the existing basin, Kirk Schultz, the  
40 developer of the project noted the soil borings were recently sent to the  
41 engineer and he asked if they had been reviewed. The engineer said that EOR  
42 has received them, but she has not yet reviewed them.

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44 President Leiser acknowledged the challenges the developer had in the permitting  
45 process and apologized for any inconveniences he experienced. The developer  
46 thanked Manager Leiser for his concern.

1 **Manager Schwarze moved, seconded by Manager Maule Miller, to authorize**  
2 **permit 18-08 Holiday Inn Express with the conditions and stipulations in the**  
3 **engineer’s report. Motion carried, vote 5/0.**  
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5 **b) BCWD Permit 18-14 St. Croix Valley Recreation Center Amendment – Board**  
6 **Action**

7 Camilla Correll, EOR reported on a proposed permit amendment by the City of  
8 Stillwater at the St. Croix Valley Recreation Center. The approved plan included  
9 construction of an underground storage tank and reuse of stormwater runoff for  
10 irrigation. After the permit approval, an existing drain tile system was discovered in  
11 the greenspace/ice skating rink area, making the irrigation reuse plan impractical. The  
12 revised plan reduces the area of disturbance, modifies the existing outlet structure of  
13 the pond on the western edge of the property, and adds storage and infiltration of the  
14 runoff in the greenspace/ice skating rink area by installing a gate valve in the existing  
15 drain tile system. The engineer recommends approval of the revised stormwater  
16 management plan with the conditions outlined in the engineer’s report.  
17

18 President Leiser asked for questions and comments:

- 19 • Manager Maule Miller asked about the maintenance agreement. The  
20 administrator noted it needs to be amended and that is a condition of the  
21 permit.
- 22 • Shawn Sanders, city engineer questioned the condition to demonstrate plat  
23 approval since this project does not require plat approval from the city. The  
24 administrator recommended that condition be removed from the list of  
25 conditions.
- 26 • Michael Welch, Smith Partners noted a correction that needs to be made to the  
27 last sentence on page four of the engineer’s report. The sentence should say  
28 that there is no “additional” pretreatment required.  
29

30 **Manager Eckles moved, seconded by Manager Johnson, to approve the**  
31 **amendment to permit 18-14 St. Croix Recreation Center with the conditions and**  
32 **stipulations in the engineer’s report, and with the following two changes to the**  
33 **engineer’s report: page 4, last sentence: restate as to say “As such, there is no**  
34 **additional pretreatment required for the runoff generated from this area;” and**  
35 **page 8, under recommended conditions of the permit: delete condition 1,**  
36 **requiring preliminary plat approval from Stillwater. Motion carried, vote 5/0.**  
37

38 **c) BCWD 17-01 Farms of Grant – Financial Assurance Reduction Request – Board**  
39 **Action**

40 Administrator Kill asked the managers to consider delaying action on the Farms of  
41 Grant financial-assurance reduction request until the developer of the project arrives.  
42

43 **7) Presentation – Stormwater Utility Fee: Legal framework and how others have used**  
44 **it – Michael Welch, Smith Partners & Brett Emmons, EOR**

45 Michael Welch, Smith Partners gave an overview of subwatershed funding options  
46 including the purpose, options for fee basis, and the pros and cons. Brett Emmons, EOR

1 BCWD engineer gave an overview of the process of setting up a stormwater utility and  
2 presented project examples.  
3

4 The managers discussed the idea of using a stormwater utility to facilitate development of  
5 regional stormwater volume control. Topics included:

- 6 • Showing the benefits of paying into a system and the importance of messaging.
- 7 • Who should be assessed – examples, the entire watershed or only businesses not  
8 homeowners.
- 9 • How changing technologies might change options for volume control, particularly  
10 in redevelopment.  
11

12 Manager Eckles noted that as a former public works director he likes the idea of  
13 regionalizing best management practices. He is concerned about how to ensure  
14 sustainable practices. He is aware of fairly recent projects using new technologies that are  
15 already failing.  
16

17 President Leiser wrapped up the discussion by stating the purpose for the discussion is to  
18 learn what our options are and to have exposure to new ideas. He asked the Board to  
19 continue thinking about the issues related to a stormwater utility fee and the discussion  
20 will continue at the next regular meeting.  
21

22 President Leiser acknowledged the arrival of Bob Appert, developer for Farms of Grant  
23 and directed the managers to the Farms of Grant permit item.  
24

25 **c) BCWD 17-01 Farms of Grant – Financial Assurance Reduction Request – Board**  
26 **Action**

27 Ryan Fleming, EOR reported on a request for a financial assurance reduction for  
28 completed work on the Farms of Grant development site, in the amount of \$9,178.  
29 EOR recommends approval of the reduction. Administrator Kill reported the  
30 declaration for Farms of Grant has also been recorded and the permit has been issued.  
31 **Manager Maule Miller moved, seconded by Manager Johnson, to reduce the**  
32 **BCWD 17-01 Farms of Grant – Financial Assurance Reduction Request #2 in**  
33 **the amount of \$9,178. Motion carried 5/0.**  
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35 **8) Projects**

36 **a) McKusick Wetland Outlet Assessment Results – Board Action**

37 Ryan Fleming and Kevin Biehn, EOR engineers, reported on the assessment of the  
38 Lake McKusick wetland and surface water connections to Brown's Creek. The scope  
39 of the project was to gather more information on the wetland including potential  
40 causes and sources of water flowing from the wetland into the adjacent Lake  
41 McKusick.  
42

43 President Leiser noted the goal for the project is twofold: reducing thermal impacts  
44 on Brown's Creek and reducing the amount of phosphorus from entering the St. Croix  
45 River. The condition of the weir was discussed. The engineer estimates that if it were  
46 repaired the volume of water entering McKusick Lake would change from 60 to 40%.

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2 The Board directed the administrator to:

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- 4 • Meet with Shawn Sanders at the City of Stillwater and inquire about the repair of the spillway, the water elevation and stop logs.
  - 5 • Meet with representatives of Oak Glen Golf Course to gauge interest in reusing water from the wetland to recharge their irrigation pond.
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8 Manager Maule Miller requested the monitoring data for Lake McKusick which was not included in the report. The administrator will supply a copy.

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11 **b) Iron Enhanced Sand Filter – Harvest Pond Cleanout – Board Action**

12 Ryan Fleming, EOR reported that a request for quote to perform maintenance on the Settlers Glen iron enhanced sand filter was distributed to six contractors and three quotes were received. EOR recommends moving forward with the low quote, which was submitted by Peterson Companies.

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16 **Manager Schwarze moved, seconded by Manager Maule Miller, to award the contract to Peterson Companies for the Settlers Glen Pump Harvest Pond maintenance, in the amount of \$24,526.50; and to authorize the administrator to enter into agreement with the contractor and to approve construction change orders not to exceed an aggregate of \$4,000 from account 948-0000 (CIP Maintenance). Motion carried 5/0.**

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23 **c) Stillwater Country Club Reuse – Board Action**

24 Brett Emmons, EOR BCWD engineer reported on the feasibility of capturing and reusing stormwater for irrigation at the Stillwater Country Club, including the results of soil borings taken at the golf course and potential next steps.

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28 Manager Maule Miller asked if diverting runoff to irrigate the golf course would negatively impact the creek. The administrator said reusing the warm surface waters rather than irrigating with groundwater would only be a benefit to Brown's Creek.

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32 Maintenance and a cooperative agreement between BCWD and the golf course were discussed. This needs to be discussed further with SCC, but Ms. Kill believes the Stillwater Country Club would perform their own maintenance as they have on past collaborative projects.

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37 The scale of the reuse project was discussed. Mr. Emmons discussed the benefits of looking at a regional system. The local preliminary design will take approximately two months to complete. The Board will further consider the regional options at that time.

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42 **Manager Maule Miller moved, seconded by Manager Schwarze, to authorize expenditure not to exceed \$18,500 from account 940-0000 (Community Demonstration BMP Projects) for tasks 2-6 of the scope of work outlined in the engineer's July 26, 2018 memo, including hourly for meetings, to develop a preliminary design for a harvest and use system for the Stillwater Country Club;**

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**and to transfer \$18,500 from the Contingency Reserve into account 940-0000 (Community Demonstration BMP Projects). Motion carried 5/0.**

**d) Long Lake Raingardens Project – Board Action**

Karen Kill, Administrator reported on a memo from the Washington Conservation District on the Long Lake raingardens retrofit, installed in 2016 - 2017. All the gardens are doing well except one would benefit from a larger drainage area. To improve its performance an additional pretreatment box to deliver more runoff into the garden is proposed.

**Manager Schwarze moved, seconded by Manager Johnson, to authorize expenditure not to exceed \$2,740 from account 914-0000 (Homeowner BMP Program) for 1357 Lydia Circle Raingarden retrofit. Motion carried 5/0.**

Meeting recess 9:21 – 9:27pm

**9) Old Business**

**b) Resolution 18-09 BCWD/RCWD Boundary – Board Action**

**Manager Schwarze moved, seconded by Manager Johnson, to adopt Resolution 18-09, concurring in the boundary change and to authorize President Leiser to sign the letter of concurrence in boundary change.**

	<u>Yea</u>	<u>Nay</u>	<u>Abstain</u>	<u>Absent</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>			
<u>Manager Eckles</u>	<u>X</u>			

**Motion carried, vote 5/0.**

Administrator Kill introduced Emily Johnson, EOR BCWD engineer. Emily is going to be BCWD’s new permit inspector.

**a) BCWD Rules Workshop – facilitated meeting scope – Board Action**

Administrator Kill reported on a proposal to have the Freshwater Society facilitate a meeting with stakeholders, on behalf of BCWD, to address the impacts of recent rule changes and to have a conversation on how the group as a whole can address the issues they’re encountering. The managers discussed the purpose and approach for the meeting.

**Manager Maule Miller moved, seconded by Manager Johnson, to approve the proposal and to authorize not to exceed \$3,000 from account 910-0000 Education & Outreach) for the activities outlined in the proposal; and to authorize the Administrator on advice of legal counsel to execute an agreement with the Freshwater Society. Motion carried, vote 5/0.**

1 **10) Treasurer’s Report**

2 **a) Review Authorized Funds Spreadsheet**

3 Administrator Kill presented the authorized funds spreadsheet.

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

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

8 **Manager Johnson moved, seconded by Manager Maule Miller, to approve**  
9 **payment of bills as presented in the amount of \$79,414.96.**

	<u>Yea</u>	<u>Nay</u>	<u>Abstain</u>	<u>Absent</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>			
<u>Manager Eckles</u>	<u>X</u>			

17 **Motion carried 5/0.**

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19 Treasurer Johnson reported a total balance of \$1,219,544.73 after payables.

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21 **11) Discussion Agenda – No Action Required**

22 **a) Administrator Updates**

23 Administrator Kill noted a summary of BCWD activities is included in the Board  
24 packet.

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26 **b) Communications & Manager Reports**

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28 **c) November 2018 Regular BCWD Board Agenda**

- 29 • Presentation from Jim Almendinger, St. Croix Research Station.
- 30 • Further discussion on a stormwater utility fee.
- 31 • Project management spreadsheet

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33 **12) Adjournment**

34 **Manager Johnson moved, seconded by Manager Eckles, to adjourn the Regular**  
35 **Meeting at 10:24PM. Motion carried, vote 5/0.**

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37 Respectfully Submitted by  
38 Carmen Simonet, Recorder and Anne Maule Miller, Recording Secretary  
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