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2 Approved Minutes of the Regular Meeting of the Brown's Creek Watershed District Board of  
3 Managers, Wednesday November 10, 2021 at 6:30 PM  
4

5 *Based on the Brown's Creek Watershed District president's determination pursuant to*  
6 *Minnesota Statutes section 13D.021, subdivision 1, that it was not prudent to meet in person*  
7 *because of health concerns raised by the COVID-19 pandemic, the meeting was held*  
8 *electronically, via webcast.*  
9

10 ROLL CALL

<b>Managers Present:</b>	<b>Others Present:</b>
Klayton Eckles, President	Karen Kill, Administrator
Gerald Johnson, Treasurer	Carmen Simonet, Recorder
Charles LeRoux, Secretary	Michael Welch, Smith Partners, BCWD counsel
Rob McKim	Camilla Correll, EOR, BCWD engineer
Celia Wirth, Vice President	Cameron Blake, BCWD staff
	Ryan Fleming, EOR, BCWD engineer

11  
12 1) **Call Regular Meeting to Order @ 6:30PM**  
13 President Eckles called the Regular Meeting to order at 6:32PM.  
14

15 2) **Approve Regular Meeting Agenda and Discussion Agenda**  
16 New Business b) Volunteer service recognition of Karen Richtman was added to the  
17 agenda.  
18 **Manager Wirth moved, seconded by Manager LeRoux, to approve the Regular**  
19 **Meeting agenda and discussion agenda as amended.**

	<b>Yea</b>	<b>Nay</b>	<b>Abstain</b>	<b>Absent</b>
<b><u>Manager Eckles</u></b>	<b>X</b>			
<b><u>Manager Johnson</u></b>	<b>X</b>			
<b><u>Manager LeRoux</u></b>	<b>X</b>			
<b><u>Manager Wirth</u></b>	<b>X</b>			

25 **Motion carried 4/0.**  
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27 3) **Oath of Office – Rob McKim**  
28 Michael Welch, Smith Partners administered the oath of office to Rob McKim.  
29

30 4) **Public Comments**  
31 There were no public comments.

1  
2 **5) Consent Agenda**

3 Ryan Fleming, EOR reported the Oak Glen well flow meter generated an error when  
4 EOR attempted to download data at the end of the season. The contractor is planning to  
5 resolve the problem by reprogramming or replacing the meter.

6 **Manager Johnson moved, seconded by Manager Wirth, to approve the consent**  
7 **agenda:**

- 8 • **Approve minutes from October 13, 2021 Regular Meeting as presented.**
- 9 • **Accept the permit fee statement as presented.**
- 10 • **Approve Oak Glen well flow meter invoice payment of \$4,772 from account**  
11 **947-0023 (Brown’s Creek – Oak Glen Golf Course Reuse) to Tri-State Pump**  
12 **& Control, contingent on repair.**

	Yea	Nav	Abstain	Absent
13 <b><u>Manager Eckles</u></b>	X			
14 <b><u>Manager Johnson</u></b>	X			
15 <b><u>Manager LeRoux</u></b>	X			
16 <b><u>Manager McKim</u></b>	X			
17 <b><u>Manager Wirth</u></b>	X			

18 **Motion carried 5/0.**

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20  
21 **6) Treasurer’s Report**

22 **a) Review Authorized Funds Spreadsheet**

23 Administrator Kill presented the authorized funds spreadsheet.

24 **Manager Johnson moved, seconded by Manager Wirth, to approve the**  
25 **authorized funds spreadsheet as presented.**

	Yea	Nav	Abstain	Absent
26 <b><u>Manager Eckles</u></b>	X			
27 <b><u>Manager Johnson</u></b>	X			
28 <b><u>Manager LeRoux</u></b>	X			
29 <b><u>Manager McKim</u></b>	X			
30 <b><u>Manager Wirth</u></b>	X			

31 **Motion carried 5/0.**

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33  
34 **b) Current Items Payable – Board Action**

35 **Manager Johnson moved, seconded by Manager Wirth, to approve payment of**  
36 **bills as presented in the amount of \$47,079.68, contingent on repair of the Oak**  
37 **Glen flow meter.**

	Yea	Nav	Abstain	Absent
38 <b><u>Manager Eckles</u></b>	X			
39 <b><u>Manager Johnson</u></b>	X			
40 <b><u>Manager LeRoux</u></b>	X			
41 <b><u>Manager McKim</u></b>	X			
42 <b><u>Manager Wirth</u></b>	X			

43 **Motion carried 5/0.**

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1 7) **Projects**

2 a) **Flood Risk Management**

3 (1) **Pilot Results – Millers on Long Lake**

4 Camilla Correll, EOR gave an overview of current BCWD flood management  
5 policy and rules. Manager McKim asked how BCWD can reconcile retrofitting  
6 rules to accommodate a property owner’s flood risk with a property owner’s  
7 responsibility for their own decisions, such as where they choose to build a house.

8  
9 Manager Eckles concurred and added, BCWD needs to balance impacts brought  
10 on by changes in the watershed and climate change with the need to assist  
11 communities with flood risk, without owning everyone’s liability.

12  
13 Camilla Correll reported anticipating future flooding and which data to use in  
14 decision making is an important issue. Earlier this year, BCWD collaborated with  
15 neighboring watershed districts in Washington County to evaluate flood mapping  
16 and risk assessment approaches and tools. The collaboration included a workshop  
17 and a technical memo.

18  
19 NOAA Atlas 14 rainfall data are used to define storms such as the 100-year storm  
20 event. The frequency of these storms is increasing and designing for the 100-year  
21 storm event is not keeping pace with climate change. The engineer recommended  
22 updating the intensity duration frequency curves or using higher values.

23  
24 Manager Wirth noted education should be a priority. The term “100-year storm  
25 event” seems misleading and suggested BCWD adopt a term that is clear and  
26 understandable to everyone.

27  
28 Manager Eckles discussed the analysis used to identify risk in the city of  
29 Woodbury to develop its flood relief program, noting of the 300 or so properties  
30 identified at risk, only a small percentage actually participated and used the  
31 program.

32  
33 Karen Kill questioned what was driving the lack of participation. Possibly it was  
34 financial barriers or the short timeline for participation. She has observed with  
35 cost-share programs, it takes time for people to commit and develop a project  
36 plan.

37  
38 Ryan Fleming, EOR reviewed the engineer’s assessment of flood-risk mitigation  
39 options for the residential pilot project at the Miller property on Long Lake. The  
40 purpose was to provide information that could help in the development of a flood  
41 assistance program such as gauging the hours and costs of performing the  
42 consultation with alternative design concepts and potential costs. The information  
43 could be used to create a request for services, to identify potential design firms  
44 capable and interested in performing flood-risk mitigation design and  
45 implementation.

46

1 The consultation used survey information available from the flood evaluation of  
2 Long Lake performed in 2020. Two concepts were proposed using a 200-year 24-  
3 hour event level of protection as requested by the landowner, with costs ranging  
4 from \$22,500 to \$35,600: adding building-foundation and walkout-door  
5 protection, or construction of a retaining wall. Itemized costs provided a  
6 breakdown of the system components.  
7

## 8 **(2) Policy Discussion**

9 Karen Kill discussed issues that will need to be addressed if the managers decide  
10 to develop a cost-share program to provide flood-risk mitigation assistance. She  
11 noted the question of whether BCWD would help provide protection for events  
12 much greater than the 100-year storm. She also noted that both concepts assessed  
13 at the Miller property generate floodplain fill that would need to be addressed.  
14 Ryan Fleming added that the projects wouldn't trigger the BCWD erosion control  
15 rule either but erosion control should be provided, considering the close proximity  
16 to the lake.  
17

18 Manager Eckles asked the managers to consider how the assessment affects their  
19 determination of the amount and type of assistance BCWD should offer property  
20 owners. He said the board could elect just to provide notification to property  
21 owners of BCWD's risk assessment, provide consultation on how to mitigate risk,  
22 or could provide funding or incentives to encourage implementation of flood-risk  
23 reduction measures. Managers LeRoux and Johnson noted their support for  
24 offering assistance, but expressed the need for caution in setting a precedent.  
25 Manager Wirth suggested connecting land trust organizations with homeowners  
26 selling their properties in flood risk areas, such that additional flood storage could  
27 be created.  
28

29 Manager McKim asked what BCWD should consider in the context of liability  
30 and helping homeowners with flood risk. Michael Welch stated that BCWD is not  
31 legally liable for individual property owners' flood risk, but liability in terms of  
32 public perception when BCWD is viewed as the flood expert is another matter. He  
33 said that BCWD should implement a program across the watershed or across a  
34 designated flood-risk portion of the watershed.  
35

36 Karen Kill noted the strength of BCWD is the data collected in watershed  
37 management. The information is available and can be shared with others. A cost-  
38 share program is a way of reducing the risk for BCWD by letting the homeowner  
39 work directly with people who can do the work. BCWD can provide information  
40 to assist.  
41

42 Karen Kill summarized the next steps:

- 43 – She, the engineer and legal counsel will put together a list of options for  
44 the managers to discuss.
- 45 – About \$100,000 has been budgeted for a Flood Risk Management.

- Staff will identify a set of educational tools that provide steps for homeowners to take to reduce their flood risk.
- Staff can develop a list of consultants such as surveying and engineering firms that work on small projects.

Manager Wirth said she'd like to have a draft list of questions a property owner could ask when seeking engineering assistance with flood-risk mitigation. The managers also stated that they would like to understand what other watershed organizations are doing to address flood risk, and what assistance cities offer.

**8) New Business**

**a) MAWD annual Meeting – Approve Registration, Per diems, and Delegates – Board Action**

Administrator Kill reported the Minnesota Association of Watershed Districts 2021 annual conference will be held virtually December 1-3.

**Manager Eckles moved, seconded by Manager Johnson, to appoint manager Wirth and manager Johnson as delegates for the MAWD annual meeting and manager Eckles as an alternate.**

	<b>Yea</b>	<b>Nay</b>	<b>Abstain</b>	<b>Absent</b>
<b>Manager Eckles</b>	<b>X</b>			
<b>Manager Johnson</b>	<b>X</b>			
<b>Manager LeRoux</b>	<b>X</b>			
<b>Manager McKim</b>	<b>X</b>			
<b>Manager Wirth</b>	<b>X</b>			

**Motion carried 5/0.**

**Manager Eckles moved, seconded by Manager Johnson to approve registration fees and per diem for managers attending the MAWD annual meeting.**

	<b>Yea</b>	<b>Nay</b>	<b>Abstain</b>	<b>Absent</b>
<b>Manager Eckles</b>	<b>X</b>			
<b>Manager Johnson</b>	<b>X</b>			
<b>Manager LeRoux</b>	<b>X</b>			
<b>Manager McKim</b>	<b>X</b>			
<b>Manager Wirth</b>	<b>X</b>			

**Motion carried 5/0.**

**b) Volunteer Service Recognition of Karen Richtman**

Administrator Kill reported Karen Richtman is resigning as the chair of the citizen advisory committee to pursue other activities and asked the managers to consider recognizing her service. Ms. Richtman has been a significant volunteer for BCWD having developed the CAC into a robust and active committee supporting the education and outreach activities of BCWD.

**Manager Johnson moved, seconded by Manager Wirth to acquire a Stone Arch Bridge print for a BCWD service recognition award for Karen Richtman, not to exceed \$130 from account 200-4949 (Misc., Other Expense).**

<u>Manager Eckles</u>	<u>X</u>
<u>Manager Johnson</u>	<u>X</u>
<u>Manager LeRoux</u>	<u>X</u>
<u>Manager McKim</u>	<u>X</u>
<u>Manager Wirth</u>	<u>X</u>
<u>Motion carried 5/0.</u>	

9) Discussion Agenda – No Action Required

a) Updates

(1) Administrator – Karen Kill reported on current BCWD activities.

(2) Legal – Michael Welch reported he is working with staff on extending BCWD permits that are about to expire; and he confirmed the managers concurrence in the need to continue meeting via web conference due to the ongoing COVID-19 pandemic.

(3) Engineer – No additional reports.

(4) Managers – No additional reports.

b) December 2021 Regular BCWD Board Agenda

No items were suggested.

10) Adjournment

Manager Johnson moved, seconded by Manager LeRoux, to adjourn the Regular Meeting at 9:23PM.

	<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 LeRoux</u>	<u>X</u>			
<u>Manager McKim</u>	<u>X</u>			
<u>Manager Wirth</u>	<u>X</u>			
<u>Motion carried 5/0.</u>				

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